

POPULAR DISTURBANCES
IN SCOTLAND, 1780 - 1815

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This thesis has been composed by myself and the work done is
my own.

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Abbreviations

Books of Adjournal	-	High Court Books of Adjournal, Series D.
Corr.	-	Correspondence
Decl.	-	Declaration
f.	-	folio
H.O.	-	Home Office
Ind.	-	Indictment
S.H.R.	-	Scottish Historical Review
S.R.O.	-	Scottish Record Office
Trans.	-	Transactions

Abstract

The theme of this thesis is popular direct action in the form of crowd activity in late eighteenth century and early nineteenth century Scotland.

The disturbances considered are those in which at least one of those involved was charged with 'mobbing and rioting'. A wide variety of disturbances are considered. The 'meal mob' was the most common type of disturbance in our period and different forms of action used in the course of food riots are discussed including the seizure of meal, price fixing and attacks on mealsellers and graindealers. In the autumn of 1797 there were widespread disturbances in opposition to the Scottish Militia Act of that year. The Act, and the government's reasons for introducing it, the popular reaction and the reasons for that reaction are considered. Some disturbances and less violent demonstrations were connected with politics, particularly with the new democratic ideas of the late eighteenth century. Two major attempts at resistance to the Highland Clearances, in 1792 and 1813, are recounted as are three examples of popular resistance to the settlement of unpopular parish ministers. Popular disturbances in an industrial context are considered as are attempts to rescue military prisoners and direct action against military recruitment. Disturbances against the erection of toll-bars and several other types of disturbance are also considered. The overall composition of all the crowds, the rôle of women in disturbances, the significance of handbills in inciting riots, the leadership and organisation of popular direct action and the modes of collective action are all discussed in a concluding chapter.

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CHAPTER ONE

INTRODUCTION

In the late eighteenth and early nineteenth centuries the vast majority of the Scottish population had little or no opportunity to influence directly the Government which exercised power over them. This thesis examines one of the few responses open to the common people to change those circumstances which affected their lives: popular direct action in the form of crowd disturbances. This action took many forms from meal mobs seizing ships' cargoes of grain to angry crowds stoning regular troops in attempts to rescue military prisoners. The reasons for popular disturbances varied from political motivation to fear of hunger and from the relatively trivial and personal to the fundamentally important issues of the period. Riots took place all over the country from Lewis in the north-west to Duns in the south-east and from Fraserburgh in the north-east to Stranraer in the south-west. Those involved in popular direct action were a cross-section of the lower or working class as well as a very small number of generally middle-class professional people. Women as well as men took active roles in disturbances. The popular disturbance - the riot or mob - was, in other words, a widely distributed and frequently recurring expression of the popular will in the period. The object of the pages below is to examine both particular types of disturbance, the basic forms of action of those involved, and the social composition, leadership and organisation of the crowds.

The thesis covers the years from 1780 to 1815. Popular disturbances do not fall neatly within particular dates. Religious disturbances reached a climax before 1780 and tailed off later in our period, while political ones began in a small way in the 1790s but continued with

more vigour after 1815. Riots against the introduction of a form of compulsory military service fall neatly within our period, while food riots went on before, during and well after it. In some ways, therefore, this is an arbitrary slice of time but the rationale for these parameters, which encompass the end of one century and the early years of another, is that they straddle the period of transition from the end of an agrarian Scotland to the beginning of an industrial Scotland. The period thus pivots around 1800, covering the two quite different decades preceding it and the fifteen years leading up to the end of the Napoleonic Wars. The result is a manageable time-span of thirty-five years during which there occurred a wide variety of popular disturbances.

The scope of the thesis is confined to those disturbances which resulted in at least one person being charged with 'mobbing and rioting' as defined by the official prosecutor, either the local Procurator-Fiscal or an official in the Crown Office in Edinburgh. I have chosen this criterion for inclusion in order to have some sort of external arbiter on what was or was not a popular disturbance. When authority was threatened by the collective action of a crowd, even in a small way be a small number, then charges of 'mobbing and rioting' usually followed. One form of collective action which is specifically excluded from general consideration is the industrial strike. Industrial action belongs in a detailed study of the beginnings of trade union organisation rather than in a work on popular disturbances. However, disturbances which took place in an industrial context, including some which had associations with trade union activity, are examined in a chapter below.

A wide variety of disturbances are studied in the following pages. The first chapter deals with food riots, at least 42 of which occurred in Scotland in our period. Crowds stopped the movement of meal, grain and potatoes; prices were fixed and the sale of meal insisted upon; mealsellers and graindealers were attacked; meal was simply seized and distributed without payment. Some food disturbances involved local Volunteers, others were preceded by public meetings while democratic political ideas were expressed in the course of yet others. Against a background of fluctuating meal prices, the different forms of action are discussed and examined. The introduction of the Scottish Militia Act in the Summer of 1797 produced widespread disturbances in August and September of that year. For over a month there was rioting against the Act in most parts of Scotland. In the second chapter this episode is discussed under three headings: the Act and the Government's reasons for introducing it; the popular reaction; and the reasons for that reaction. Disturbances and less violent demonstrations concerned with the politics of the late eighteenth-century oligarchy or with those new democratic political ideas popularised in the works of Tom Paine are discussed in the third chapter. The Highland Clearances are a particularly emotive episode in Scottish history. At the time they did not occur without attempts at resistance and these are discussed below in chapter five. There were at least twenty-one examples of popular resistance to the settlement of ministers in churches. In only three of these cases were serious charges made and these are described in chapter six. Chapter seven deals with popular disturbances in an industrial context while attempts to rescue military prisoners and disturbances against military recruitment are dealt with in chapter eight. Several different types

of relatively small scale disturbances are brought together in chapter nine: riots against the erection of toll-bars, opposition to the collection of some taxes, one riot precipitated by the amorous activities of a small-town joiner, another by the superstitious outrage of a Highland community, and finally, a criminal escapade on the streets of Edinburgh during the New Year celebrations in 1811/12. The last chapter considers the overall social composition of crowds, the role of women in disturbances, the significance of handbills in inciting riots, the leadership and organisation of popular direct action, and finally the forms or modes of collective action described in the preceding pages.

The most important source of material for this study are the records associated with the administration of Scottish criminal justice. These fall into three categories: the loose, manuscript Justiciary Papers which are part of the records of the High Court of Justiciary in Edinburgh and on circuit in the major Scottish towns; the papers of the Lord Advocate's Department; and the bound, manuscript minute books of the High Court - the Books of Adjournal for the sittings in Edinburgh and the Circuit Minute Books elsewhere. There were three circuits or 'Justice Ayres': the North Circuit included sittings in Perth, Aberdeen and Inverness, the West Circuit at Inverary, Glasgow and Stirling, the South at Jedburgh, Dumfries and Ayr. Along with the other records mentioned, the Justiciary Papers are housed in the Scottish Record Office, Edinburgh. They are kept in several hundred (152 for the period 1780 - 1815) very dusty and only partially indexed boxes while the papers themselves are even dustier and not at all indexed. The whole lot lay for many long years in various damp and dirty cellars in the Parliament

House before being rescued and deposited in the Scottish Record Office. Most of the papers have lain for that time unopened and gathering dust.

For the purposes of this study there are two important sources of information in the justiciary papers: firstly the indictment by the Crown against the pannels, as the accused are called in Scottish criminal procedure, and secondly the judicial declarations made by the pannels. The indictment gives the Crown's account of what occurred during a disturbance as well as making out the case that a crime had been committed by those accused. The judicial declaration, on the other hand, is a statement made by the pannel under oath and before a magistrate at some point during the investigation. After a disturbance, or any other crime, there was a legal procedure which was followed at least in theory but which may in practice have been short-circuited from time to time. On hearing of a disturbance the Procurator-Fiscal, who was and still is the official prosecutor, would begin to investigate the circumstances by taking statements from those who were present or who might cast light on the subject. This process, known as taking a precognition, would continue, following up lines of enquiry by taking statements until the Procurator-Fiscal was satisfied that there was a case for charging someone with a crime. In Scotland less serious crimes could be dealt with in the Sheriff-Courts whereas more serious ones such as murder, rape, or mobbing and rioting had to go before the High Court. If the charge was to be relatively minor, that is amounting to something less than mobbing and rioting, then the Procurator-Fiscal would proceed himself in the local Sheriff Court. If he felt it was more serious then he would send his precognition to the Crown Office, where one of the

law officers, the Lord Advocate or an Advocate-Depute, would decide whether it was serious enough to be dealt with in the High Court. In the latter case the Crown Office would prepare an indictment and the accused would subsequently appear in court. In most instances of popular disturbance men and women believed to be involved would be seized during or shortly after the incidents. They would appear before a magistrate and emit judicial declarations; these would not normally form part of a precognition as such.

There are several reasons for regarding the judicial declarations of accused persons as important sources of information about popular disturbances. In the first place, they are made under oath before a magistrate and while the declarant may still be unaware that a serious charge might be laid against him. This assumption is perhaps true only in such cases as mobbing and rioting where any one of a large number of people could be charged with more or less the same offence. Further, each declaration in a case, taken by itself, tended to be a justification for that person's behaviour during the disturbance or for his presence in a mob rather than an outright denial of involvement. This often took the form of a detailed explanation of where they were during a disturbance, how they got there and why they remained. Less frequently, it includes a statement admitting certain behaviour but justifying it in terms satisfactory to the declarant. Taking all the declarations in a case along with the indictment, it is possible to build up, at best, an accurate picture of what actually happened during the riot in question or, at worst, to establish areas of common ground. Inevitably, there are areas of doubt but equally there are important facts which are relatively independently corroborated.

Judicial declarations are thus an important source of information for the study of popular disturbances. A note of caution should, however, be sounded. These statements were the result of a form of interrogation by the Procurator-Fiscal or even by the magistrate himself who adopted something of the rôle of the French examining magistrate. As they stand the declarations do not include the actual questions asked but they are invariably written, by a sheriff-clerk or similar court official, in the third person in such a way that the question can usually be inferred. Almost every sentence begins 'That the declarant ... ' did such and such. Very occasionally it is recorded that the declarant refused to answer and only then is the question apparent - but not the answer nor the reason for the refusal. In the end, as in all historical research, it is a question of judgement based on an assessment of the material which decides whether or not information is reliable.

Compared to the justiciary papers, the records of the Lord Advocate's department, while a very rich source in general, are of less value in our period. The bulk of these papers are complete precognitions for cases heard in the High Court but, unfortunately, prior to 1812 they were not kept systematically and most have been lost. In 1822 when the Crown Office was reorganised it was decided to begin retaining precognitions and all those which were still existent were gathered together. The net did not stretch back far enough for our purposes and this loss is seen to be particularly serious when we examine the precognitions which have survived. These include all the statements made by all those examined by the Procurator-Fiscal in preparing his case. There is thus considerably more information available from more viewpoints. For instance the precognition into the Montrose meal riots in 1812/13

includes statements by magistrates, grain dealers, farmers and soldiers as well as bystanders and members of the crowd. We know so much detail about the Strathtay Militia riots only because Angus Cameron, the principal accused, applied many years later to have his sentence of outlawry lifted. The original precognition was found, used in the case, and thus preserved.

The minute books of the courts, the Books of Adjournal and the Circuit Minute Books are, by themselves, also of limited value. They do, however, provide useful information about the sentences imposed and the timing of trials and they are very useful in establishing a timetable of events. Also of use for this last purpose is the High Court Index, a very brief note of each day's court business.

The next major primary source is the Home Office (Scotland) Papers. These papers are the official correspondence between Edinburgh and London, between the Lord Advocate as the chief government officer in Scotland and the Home Secretary. On occasions the correspondent from Scotland was someone other than the Lord Advocate if he was absent and news had to be transmitted to London quickly. Equally, during most of the Parliamentary session the Lord Advocate was in London anyway and the correspondence includes that between himself and his assistants in Edinburgh. The correspondence in fact covers a wide number of people since very often letters to the Lord Advocate are enclosed with his own or forwarded to him. Other material was also included. For instance, copies of the precognition into the Tranent Militia Riot were sent to London for legal opinions and to let the Home Secretary see for

himself accounts of what happened. The Home Office papers, being correspondence from Scotland to London, are housed in the Public Record Office. In the past few years, however, negative photostat copies have been deposited in the Scottish Record Office in Edinburgh and this makes consultation easier - and cleaner. Beyond this, there was of course the various MSS sources cited throughout the chapters below but undoubtedly the bulk of the source material consists of the records mentioned above.

Contemporary newspapers and magazines are often the most useful printed primary sources for historians of this period. By and large this is not the case for this study. Newspapers like the Caledonian Mercury, the Glasgow Courier or the Scots Chronicle, and the Scots Magazine do provide information of a useful character from time to time. This is particularly so for major disturbances such as the King's Birthday Riot and the widespread militia riots. One looks in vain, however, for any information about the many small disturbances, particularly those which took place outside the environs of Edinburgh or Glasgow. On occasions, if a criminal case caught the imagination, the newspapers give an account of the trial with useful information about the evidence of witnesses. That is the exception rather than the rule, however, and if one was depending on these sources alone then few disturbances would have been noted. Other printed primary source material which is less significant is noted in the bibliography.

It will be clear as the thesis progresses that I am particularly indebted for insights into the study of popular disturbances to the work

of George Rudé. In the introduction to one of his works he comments that 'no historical phenomenon has been so thoroughly neglected by historians as the crowd'.¹ He has tried to redress the balance with his work on the French Revolutionary crowd,² and the crowd in eighteenth-century England.³ Another source of valuable information and insight is the work of Edward Thompson, who has not only brilliantly described the emergence of an English working class,⁴ but has also talked enthusiastically about the 'moral economy' of crowds in eighteenth-century England.⁵ Inspired by two such enthusiasts, aware that Scottish crowds were at least as neglected as any other and suspecting that a 'moral economy' might not be limited to England, I began work on the subject dealt with in detail below.

The work presented below is that of an historian. Sociologists and social psychologists have tried in recent years to dissect and analyse the phenomenon of collective behaviour.⁶ By and large their view of collective behaviour is much wider than simply that of popular disturbances such as the riots discussed below. Although much of what is said is of interest to the historian studying such disturbances, the

1. The Crowd in History, (New York 1964) p.3.
2. e.g. The Crowd in the French Revolution, (Oxford 1959).
3. Wilkes and Liberty, (Oxford 1962) and Paris and London in the Eighteenth Century, (London 1970).
4. The Making of the English Working Class, (London 1963).
5. 'The Moral Economy of the English Crowd in the Eighteenth Century', Past and Present, 1, 1971.
6. e.g. N.J. Smelser, Theory of Collective Behaviour, (London 1959), and Social Change in the Industrial Revolution, (London 1962); Elias Canetti, Crowds and Power, (London 1962); Milgram and Toch 'Collective Behaviour: Crimes and Social Movements', The Handbook of Social Psychology, Lindzey and Aronson, eds, iv (1959), 507; Kurt and Gladys Lang, 'Collective Behaviour', International Encyclopedia of the Social Services, Stills, ed., ii (1968), 556; W.A. Gamson, Power and Discontent, (Illinois 1968).

sociological perspective and analysis are not always the appropriate ones for historians. In dealing with events which occurred several generations ago, which are related to us at least second-hand and which, in a sense, selected themselves for our attention by being out of the ordinary, it is the historian not the sociologist who is best equipped to write. The sociologist can try to make sense of his own culture by asking questions of the evidence before him, the historian can only try to make sense of another culture by examining the clues which that culture leaves behind. The historian can select from the many clues but he cannot ask supplementary questions if the evidence is lacking, nor can he construct an historical questionnaire to be answered by men long dead. Having looked at some of the work of sociologists in this area, it is my conclusion that in the context of the study of popular disturbances in the late eighteenth and early nineteenth centuries, the techniques of the historian are more appropriate. The source material is there, it is up to the historian to find it and make it speak to his own generation.

CHAPTER TWO

THE MEAL MOBS

1. Introduction
2. Criteria
3. Modes of Action
 - (a) Prevention of export
 - (b) Taxation populaire
 - (c) Attacks on grain dealers
 - (d) Seizure of meal
 - (e) Involvement of volunteers
 - (f) Democratic politics
 - (g) Rescue of prisoners
 - (h) Public meetings
 - (i) Distillery attacks
4. Conclusion

1. INTRODUCTION

The food riot was the most common type of popular disturbance in Britain in the eighteenth and early nineteenth centuries. A recent writer has noted that, out of 275 disturbances recorded between 1735 and 1800, two out of three were food riots.¹ Scotland had its share of such disturbances and between 1780 and 1815 there were 42 whose main concern was the food supply. Since oatmeal was the staple food of most of the Scottish population, even into the nineteenth century, most disturbances were concerned with that commodity and were known as 'meal mobs'. Oatmeal was invariably and simply referred to as meal while other types were called, for instance, 'pease meal' and 'barley meal'. Other disturbances were concerned with oats, wheat, barley and potatoes but even these were sometimes included under the generic umbrella of the meal mob. Even as the ordinary people's eating habits became more varied, particularly with the increased consumption of potatoes, meal remained symbolic of the popular diet and its price was regarded almost as an index of the cost of living.

The most recent work on eighteenth century food riots in Scotland looked at the Tayside Meal Mobs of 1772-3 and reached conclusions broadly similar to those below. Disturbances on Tayside occurred around the December - January period of these years. Crowds in Newburgh and Abernethy on the south side of the Tay made determined efforts to prevent the export of meal from the area. Rioting spread east to Cupar, from which crowds went off to the harbour at Balmarnock

1. George Rudé, The Crowd in History, pp. 35-36

and north west to Perth where barley was seized from a sloop and a systematic search was made for John Donaldson a farmer and, more significantly, an extensive grain dealer. By January, crowd activity had arisen in Dundee and the house of a substantial farmer, Mr Mylne of Mylnefield, was attacked. Mylne's substantial neighbours - who denied his role as grain-dealer - came to his rescue in force and routed the crowd. In assessing the causes of this outburst of popular direct action on Tayside, the writer concluded that

what affronted the sense of social justice on Tayside was the knowledge that prices were rising locally, and that simultaneously it was profitable for merchants to ship grain away from the local ports. Without any sophisticated economic analysis men recognised a possible connection between the two phenomena, and by and large they pursued the appropriate aims of stopping shipments and releasing stocks on to local markets.²

This sort of conclusion will become familiar in the pages below where, looking at a broader spectrum of disturbances over a longer period, more detailed but not dissimilar conclusions are arrived at.

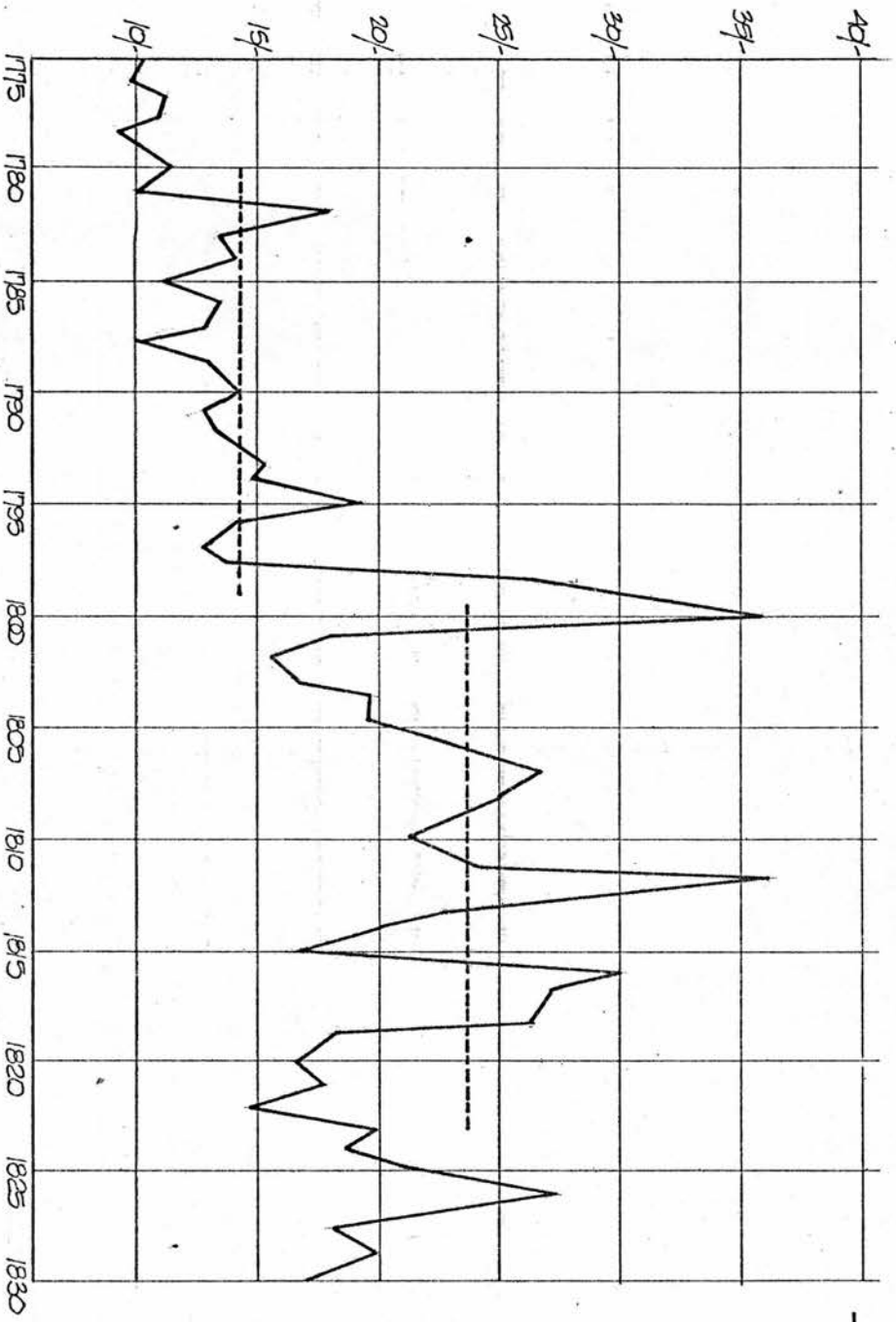
After a brief look at the price situation in the period, it is proposed to concentrate on the disturbances themselves, discussing first where and when and then, most importantly, how and why they took place. Various modes of action were involved in various types of disturbance and all will be examined: the stopping of the movement of meal grain or potatoes, by land and sea; the fixing of prices and forcing of sales by crowds; the attacks on mealsellers and on grain-dealers; the seizure of meal for free distribution; the involvement

2. S.G.E. Lythe, 'The Tayside Meal Mobs, 1772-3', S.H.R., xliv (1967), 31-33.

of Volunteers in some disturbances; the holding of public meetings prior to others; the rescue, or attempted rescue, of prisoners taken after meal mobs; the introduction of democratic politics into a few disturbances; and finally the attacks on two distilleries.

At the simplest level, the reason for meal mobs was a rise in the price of meal caused by a scarcity of supply, itself caused by a variety of factors but most usually by a failure of the harvest. The general picture of eighteenth century grain prices in Scotland is one of steady increase, accelerating towards the end of the century. In 1700 the Haddington Fiars see the price of second oats at 8s 10³/_d per boll and in 1750 the price had actually fallen to 8s 8d, although there were fluctuations in the meantime.³ The early 1770's saw sharp rises of about 20%,⁴ but it was not until 1782 that prices increased drastically. Then they shot to 17s 9d, almost 80% above the 1780 price and 60% above the average price for the decade to 1789.⁵ 1795 saw a similar rise and this year can be seen as the beginning of a period of much more drastic price rises.⁶ The most spectacular rises occurred in 1799 and 1800 when the price of oats rose to 28s 7d and then to 35s 8d. At the time the former represented both a record price level and a record price increase; between 1798 and 1800 the price rose by 140% in East Lothian

3. Fiars' prices quoted from A. Stewart, 'On Prices of Grain from 1647 to 1829 inclusive', Trans. Highland Soc. of Scotland, New Series, ii (1831), 232 ff. (Hereafter - Stewart Prices).
4. S.G.E. Lythe, 'The Tayside Meal Mobs, 1772-1775', S.H.R., xlvi (1967), 31.
5. Stewart, Prices.
6. R. Mitchison, 'The Movement of Scottish Grain Prices in the Sixteenth and Seventeenth Centuries', Econ. Hist. Rev., 2nd series, xviii, (1965), 283. (Hereafter - Mitchison Price Movements).

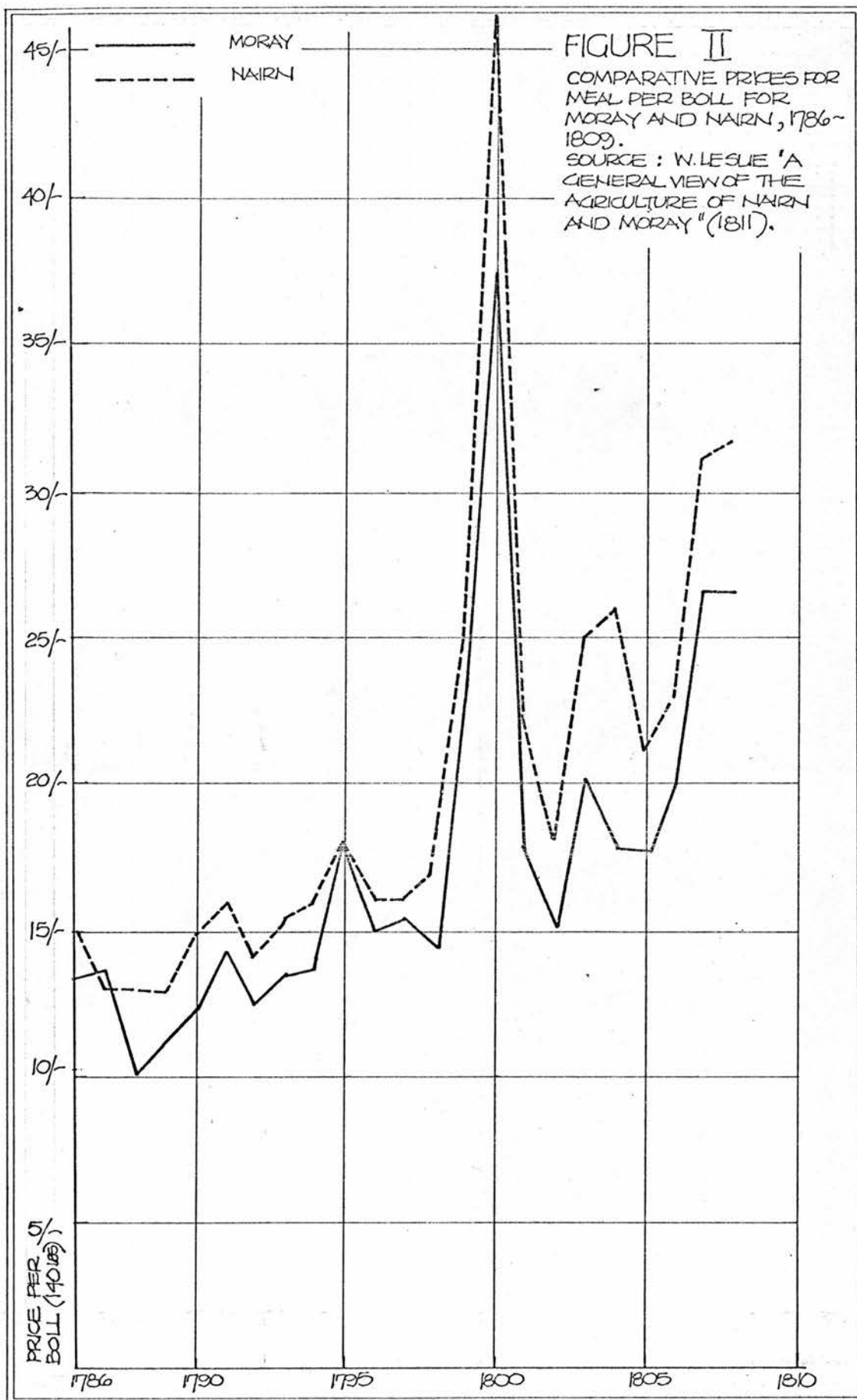


----- AVERAGE PRICES
IN 20 YEARS BEFORE
AND AFTER 1800.

FIGURE I

PRICE MOVEMENTS OF HADDINGTON FLARS
FOR SECOND QUARTER, 1775-1829.

SOURCE : A. STEWART "ON PRICES OF GRAIN FROM
1647 TO 1829 INCLUSIVE" IN TRANS.
HIGHLAND SOC. OF SCOTLAND N.S. II
226-232.



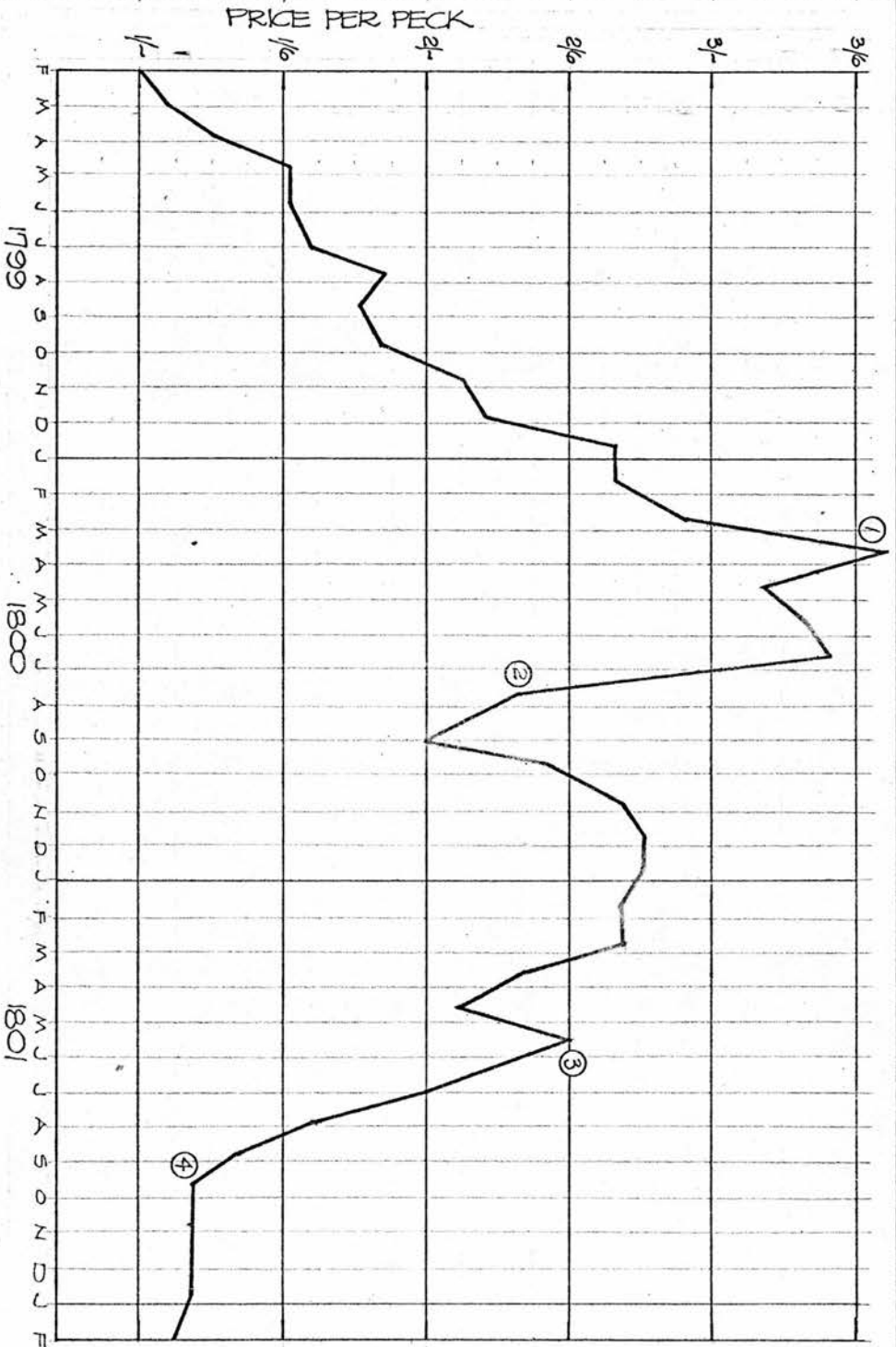


FIGURE III

FLUCTUATIONS IN MEAL PRICES 'PER PECK' AT EDINBURGH, FEBRUARY 1799 - FEBRUARY 1802.

SOURCE: SCOTSMAGAZINE, cv-lviii

- ① MEAL MOBS IN EDINBURGH AND LEITH 29 APRIL - 1 MAY 1800
- ② CARRS STOPPED IN EDINBURGH 6 AUGUST 1800
- ③ MEAL MOB IN EDINBURGH JUNE 1801
- ④ MEAL MOB IN EDINBURGH OCTOBER 1801

and by 180% in Fife.⁷ After 1800, price fluctuations from year to year were more marked than previously, as can be seen from Figure I, while the mean price for the 20 years after 1800 was over 20% higher than for the preceding 20 years. In fact between 1800 and 1819, even in the cheapest years, prices never fell to the level of the 1780-1799 average and only in 1799 were prices as high before 1800 as the average after 1800. Prices climbed steadily from 1802 to 1807, fell back to 1810, then climbed again thereafter, reaching a new record level of 37s in 1812, before falling again to finish, for our purposes, in 1815 at 16s 4d.⁸

This brief sketch of price movements must be qualified. It is based on the fullest series of grain prices available, the Haddington Fairs', and as such refers only to a small part of Scotland and a particularly fertile part at that. It has been shown that in the eighteenth century prices tended to level out in relation to each other, so that there were few occasions where prices differed significantly from one area to another.⁹ There was, however, room for local variations such as those for oatmeal between the neighbouring counties of Moray and Nairn, illustrated in Figure II. Apart from 1787, the prices in Nairn were consistently higher than in Moray, and, while the prices followed almost identical patterns, there were occasions, such as in 1800 when the difference was 8s 8d or in 1804 when it was 8s 3d, when the differences were significant.¹⁰ Over a wider area variations could

7. Ibid., pp. 283-4, 285.

8. Stewart, Prices; see Figure I.

9. Mitchison, Price Movements, p. 282.

10. W. Leslie, A General View of the Agriculture of the Counties of Nairn and Moray, (London, 1811) pp. 372-3.

also occur. In 1792 meal could be bought for 10d a peck¹¹ in Banffshire, while it was 1s in Clackmannanshire; in 1793 the price was 1s in Fife and in East Lothian 1s 2d; in 1794 there was a variation from 1s in Perthshire to 1s 4d in Argyll. A more complete picture for 1810 shows the following price range:

Aberdeenshire	1s 2d	
Banffshire	1s $2\frac{1}{4}$ d	
Dumfriesshire	1s $2\frac{1}{2}$ d	
Kincardineshire	1s 3d	
East Lothian	1s 3d	
Edinburgh	1s 3d	
Berwickshire	1s $3\frac{1}{4}$ d	
Ayrshire	1s $3\frac{1}{2}$ d	
Glasgow	1s 4d	
Stirlingshire	1s 4d	
Invernessshire	1s $4\frac{1}{2}$ d	
Moray	1s $4\frac{1}{2}$ d	
Perthshire	1s $4\frac{1}{2}$ d	
Fife	1s 5d	
Ross-shire	1s 5d	12

Furthermore, local reactions were determined not by average

11. A peck = $8\frac{3}{4}$ lbs avoirdupois according to Sir John Sinclair, General Report of the Agricultural State and Political Circumstances of Scotland, iii, 260. (Hereafter - Sinclair, General Report). It seems clear, however, that the peck varied slightly in weight from place to place, as did other measures.
12. Sinclair, General Report, iii, 259-260.

annual prices or prices set by the Fiars' courts, but by local prices on a week by week, or even day by day basis. While day-to-day price fluctuations cannot easily be determined, the monthly variations of meal prices in Edinburgh for 1709-1801 are illustrated in Figure III. The magnitude of the price rises in these years was astounding: from 1s a peck in January 1799 to 3s 7d in April 1800, a rise of 358% in 15 months. When these prices are compared with the prices for 1798, when the price fluctuated between 11d and 1s 2d with an average monthly price of just over 1s 0 $\frac{1}{2}$ d¹³, and with those for 1802, when the parameters were 1s 1d and 1s 2 $\frac{1}{2}$ d with an average of just over 1s 1 $\frac{1}{2}$ d¹⁴, it can be seen just how catastrophic the impact of these increases must have been. While Edinburgh was perhaps not a typical centre for meal mobs, there were three disturbances, during that period, two of which occurred after a particularly sharp monthly increase in meal prices.¹⁵ Thus, while in general prices followed a national pattern, local variations existed which might result in disturbances. During the year prices fluctuated from month to month in periods of scarcity and a particularly sharp local rise in price might similarly result in a disturbance.

Any discussion about the rising price of foodstuffs and popular disturbances associated with that rise, must take into account the question of wages. While the price of provisions, particularly the price of oatmeal, increased between 1780 and 1815, wages, it is generally

13. Scots Magazine, lx, (1798), passim.

14. Ibid., lxii, (1800).

15. See Figure III.

agreed, also rose. The writers of the various contemporary General Views of the agriculture of Scotland were of the opinion that not only money wages but also real wages had risen. The authors were, of course, somewhat biased, writing for agricultural employers and landowners but their figures can be taken as general indicators. The writer for Aberdeenshire noted that in 1782 a day-labourer had received 5s a week in wages, enough for a peck of meal a day, but in 1811 had earned 12s a week, equivalent to $1\frac{1}{2}$ pecks a day.¹⁶ This particular conclusion was confirmed by the writes for Banffshire¹⁷, Berwickshire¹⁸, and Ayrshire; in the latter case, it was claimed that before 1780 daily wages were equal to less than the price of a peck of meal, between 1780 and about 1800 to more than a peck, and between 1800 and 1811 equal to $1\frac{1}{2}$ pecks.¹⁹ These figures refer to agricultural wages but it has been estimated that most wages rose by $2\frac{1}{2}$ to 3 times during the period²⁰ and urban wages would appear to have risen by at least as much as rural ones.

The question of the standard of living and the quality of life of the ordinary people of Scotland in the late eighteenth and early nineteenth centuries is very vexed and complicated. A recent study of the cost of living in Glasgow in the early nineteenth century has concluded that there was only a very modest improvement in the standard of living of the highly paid workers and no improvement at all for unskilled labourers

16. G.S. Keith, A General View of the Agriculture of Aberdeenshire, (Aberdeen, 1811) p. 522.

17. D. Soutar, A General View of Banff, (Edinburgh, 1812) p. 270.

18. R. Kerr, A General View of Berwick, (London, 1809) p. 422.

19. W. Aiton, A General View of Ayr, (Glasgow, 1811) p. 534.

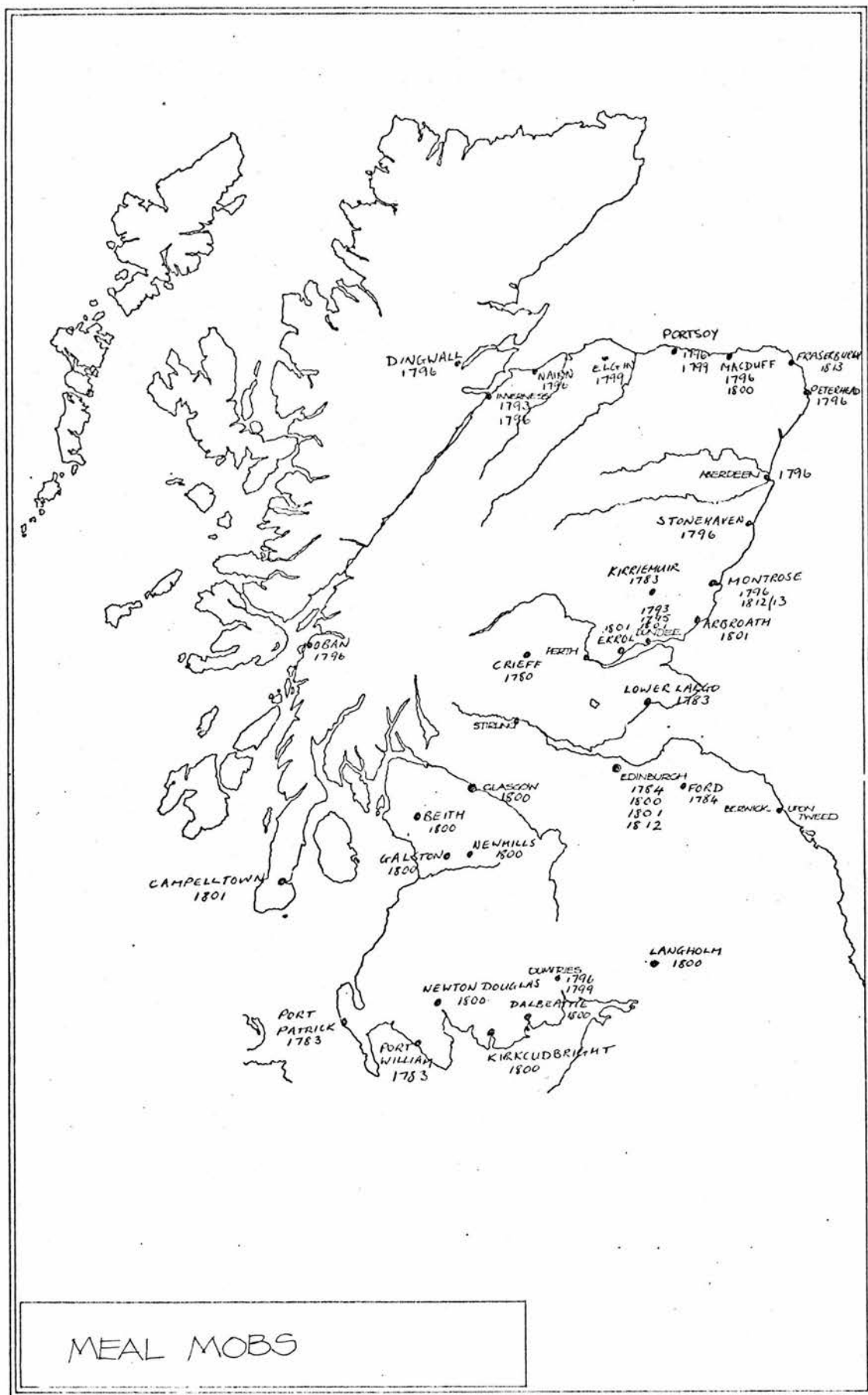
20. H. Hamilton, An Economic History of Scotland in the Eighteenth Century, (Oxford, 1963) p. 377.

and handloom weavers but that his conclusions were applicable only to Glasgow since there was considerable evidence of regional and occupational diversity. This conclusion has been confirmed elsewhere while the debate between the optimistic and the pessimistic schools of thought on the effect of the Industrial Revolution on the standard of living in Britain continues.²¹ What is clear is that in our period the proportion of people's income which was devoted to food was so high that there was very little margin in which prices increases could be absorbed and that direct action to try and control the price or supply of food was often deemed necessary and acceptable to ordinary people.

2. CRITERIA

Meal mobs can be classed according to three criteria: geographical situation; date of occurrence; and type of disturbance. It is proposed to concentrate on the third classification, but some notice must be made of the other two. The geographical situation can be looked at in two general ways: location on the map and type of location. As far as the first of these is concerned it is at once apparent that there were two distinct concentrations of disturbances, one in the north-east coastal area and the other in the south-west, with a few, relatively isolated, instances in places between. Out of a total of 42 disturbances, nearly half were in the coastal area, from Dingwall. along the Moray Firth

21. T.R. Gourvish, 'The Cost of Living in Glasgow in the Early Nineteenth Century,' Econ. Hist. Rev., 2nd series, xxv, (1972) 78. For the standard of living debate see, eg., R.M. Hartwell and E.J. Hobsbawm, 'The Standard of Living during the Industrial Revolution: A Discussion,' Ibid., xvi, (1963) 119-146. For Scotland, see T.C. Smout, A History of the Scottish People, 1560-1830, (London, 1969) pp. 397-403.



coast, and down the East coast as far as Errol. If this area is extended to include Nether (or Lower) Largo, with which it has most in common, this brings the total to 21. The next largest area grouping was the South West, mainly Dumfries and Galloway, where there were 8 disturbances. A group of 4 disturbances took place in North Ayrshire and Glasgow while isolated incidents occurred on the West coast, at Oban and at Campbeltown and others at Crieff in Perthshire and Kirriemuir in Angus. The remaining disturbances took place at Edinburgh and at Ford, in Midlothian. If we classify the disturbances according to type of location another picture emerges. Taking coastal locations as against inland locations, we find a preponderance of the former to the extent of 26 to 15. If the distribution is to be made between large urban centres of more than 10,000 inhabitants, as against small towns or villages, the preponderance is very much in favour of the latter to the extent of 31 to 10.²² It is interesting to note that three of these large towns, Inverness, Dundee and Edinburgh, accounted for 8 disturbances while Aberdeen and Glasgow only had one each.

The dates of the food riots correspond more or less to the peaks in prices shown in Figure I. Since these are derived from the Fiars' Courts which sat in the spring of the year to declare, for the purposes of the assessment of stipend, average prices for the preceding harvest,

22. The urban centres were:-

Glasgow - 60,000+	(The figures are for the period
Edinburgh - 60,000+	1790-1798.
Aberdeen - 20,000+	Source: <u>Old Statistical Account</u> ,
Dundee - 20,000+	xx, 610,601,587,604, and 607 resp.)
Inverness - 10,000+	

it must be remembered that, for example, the price for 1786 was the national price from the harvest of 1786 until the harvest of 1787, but was set in the spring of 1787. The first disturbance of our period occurred at Crieff in December 1780.²³ In the early spring of 1783 there were four disturbances at Port Patrick, Port William, Kirriemuir and Lower Largo. These followed a rise in the price of oats in East Lothian from 10s per boll in 1781 to over 17s in 1782.²⁴ No such steep rise seems to have occurred before the disturbance at Edinburgh and Dalkeith in June 1784 when two distilleries were attacked by crowds, and this may imply slightly different forces at work. The period of relative tranquillity between 1784 and 1796 was punctuated by only two serious incidents, one at Dundee in November 1792 when a crowd tried to force the import of meal rather than prevent its export, and the other at Inverness in April 1793 when four days of disturbance followed an attempt to prevent the export of meal. In both of these incidents the authorities suspected that the trouble had less to do with a shortage of meal than with the 'damnable Doctrines' of Paine's Rights of Man.²⁵

The autumn of 1795 and the following spring and early summer of 1796 was, as we have already noted, a period of very high prices. The Haddington Fiars' prices nearly reached 20s per boll for oats²⁶ and the price of meal in Edinburgh started to rise above 1s 1d per

23. JC26/223, Ind. against James Maxton et al., 12 February 1781.

24. See Figure I.

25. H.O.Corr., RH2/4/70, f.177v., Bailies of Inverness to Sir Hector Munro, 9 April 1793.

26. See Figure I.

peck as early as April 1795, after which it rose steadily until in March 1796 it reached 1s 8d, a price unprecedently high in living memory.²⁷ Riots were widespread in England as the 1795 wheat harvest failed,²⁸ and it has been suggested that the shortages and high prices which followed in Scotland were occasioned by the scarcity of wheat in England, rather than a serious failure of the oat crop in Scotland.²⁹ The riots that followed the price rises in Scotland early in 1796 were preceded by a disturbance at Dundee on 15 August 1795 when a crowd attacked a vessel in the harbour there. Between January and March 1796 there were eleven serious food riots in Scotland, nine in the Moray Firth and North Sea coasts. The disturbances began on 2 January 1796 at Macduff, continuing at Dingwall, Stonehaven, Aberdeen, Montrose and Peterhead in February. March saw more disturbances in Inverness, Portsoy and Nairn, as well as at Dumfries and Oban, where the last disturbance occurred on 21 March. In Edinburgh at least, April saw the beginning of a fall in prices that continued until the new harvest, after which prices returned to normal levels.³⁰

As far as meal mobs were concerned, all was more or less peaceful between 1796 and the drastic price increases and continuing high price levels of 1799 to 1801. An apparently isolated disturbance at Portsoy in April 1799 occurred just as the price of meal was beginning to start its upward trend.³¹ There were no disturbances of a serious

27. Scots Magazine, lvii (1795) and lviii (1796), passim.

28. D.G. Barnes, The English Corn Laws, 1660-1846, (London, 1930) p.72

29. G.S. Keith, A General View of the Agriculture of Aberdeenshire, p.527.

30. Scots Magazine, lviii (1796), passim.

31. See Figure III: The Edinburgh price rose to 1s 3d per peck in April, then to 1s 6d in May and June before rising steadily for the next ten months.

nature until Christmas Day 1799 when several carts of meal were seized at Dumfries. If the Edinburgh prices shown in Figure III reflect anything like the national price situation it seems surprising that only these two incidents should have occurred in a period when, apparently, prices rose by about 100%. Part of the explanation lies in the inflationary situation which resulted from the removal of any check in the expansion of credit after the Bank of England, followed by the Scottish banks, stopped cash payments in 1797. Thus, while on average the price of meal rose from 1s 0 $\frac{3}{4}$ d per peck in 1790 to 1s 5 $\frac{1}{2}$ d in 1799, an ordinary labourer's wages rose from 1s a day to 1s 8d.³² Even wage-inflation could not match the tremendous increases in prices experienced in the early months of 1800. In February disturbances took place in three different places, Elgin, Dalbeattie and Glasgow. At the end of March, Macduff was again the scene of a disturbance. On 30 April 1800, meal prices in Edinburgh reached the astronomical height of 3s 7d per peck³³ and between 29 April and 1 May there were sporadic outbursts of crowd activity in the city and in Leith directed at meal-sellers and at granaries. These required the attention of 350 Volunteers and several parties of regular soldiers. During the summer a local man was prevented from sending meal out of Newton Stewart and at Edinburgh again some carts were stopped.

In October 1800 there were several instances of carts being stopped by crowds in Central Ayrshire, at Beith, Newmills and Galston. Forced sales at 2s per peck were made and it is perhaps significant that the old figure of 1s per peck had been abandoned in the exceptional

32. H. Hamilton, op. cit., p.378-9.

33. See Figure III.

circumstances of 1799-1800. This supports the suggestions that the price rises of this particular period were caused as much by inflation as by the admittedly bad harvests and that the situation was not one of famine.³⁴ During November there were riots in Glasgow and in Pollockshaws which were suppressed without much trouble.³⁵ The year closed with a disturbance at Kirkcudbright on 26 December. Into 1801 the prices continued at a fairly high level and it was not until after the 1801 harvest that they began to look normal. As long as prices remained high, a few disturbances took place: at Langholm in January, Campbeltown in February, two at Edinburgh in June and October, one at Errol in November, and finally disturbances at Dundee and Arbroath on 8 December. It was not until almost eleven years had passed that two more disturbances, the last in our period, occurred; at Montrose in December 1812/January 1813, and at Fraserburgh on 6 March 1813.

3. MODES OF ACTION

Three basic modes of action recur throughout the food riots of this period: the prevention of the export or movement of grain, meal or potatoes; the fixing of prices and the enforced sale of these commodities; and attacks on mealsellers and grain-dealers or their premises. Over half the disturbances - 26 instances - involved some element of the first type of action. There were eleven examples of price fixing, or taxation populaire, eleven attacks on mealsellers or grain-dealers and six instances of the seizure of meal or grain from mills or farms. Beyond these fairly definite types of action

34. Mitchison, Price Movements, p.287.

35. Scots Magazine, lxii (1800), 776.

there were a total of sixteen other occasions on which forms of action of a different type occurred. On several occasions meal was simply seized from farms and granaries. There were four in which the local Volunteers played some part on the popular side and four where some element of democratic politics was involved. On three occasions the crowd tried to intervene to rescue prisoners taken in the course of a disturbance, while twice crowds attacked distilleries. In three cases there is evidence of an organised protest meeting prior to meal mobs, while in another the disturbance actually concerned the import of meal. Clearly there are more instances of different types of action, a total of sixty-seven, than actual disturbances and each disturbance might include two or more types of action by the crowd. Taking the disturbances as a whole, we will try to isolate each mode of action and element in turn.

(a) Prevention of export

The most common type of action by crowds during food riots was to attempt to prevent the export of food in the form of meal, potatoes or grain. Indeed, it would be nearer the truth to say that most food riots were caused by attempts to export foodstuffs at a time when food was both expensive and scarce. This kind of action falls into two distinct sections; the stopping of the internal transport of provisions, and the prevention of the transport of grain or potatoes by sea, either for foreign or home consumption. The former is a much less common occurrence, information on which is limited, and can be dealt with first.

There were six examples of the interruption and seizure of carts carrying meal from one point to another, most of them in the south-west. The first occurred at Dumfries on Christmas Day 1799 when a crowd seized two carts on their way from Kirkpatrick Mill to Sanguhar. The meal was taken back to Dumfries where it was sent to the market for sale.³⁶ In the summer of 1800, another incident took place when Alexander Telfair took a boll of meal to his local carrier in Newton Stewart, Wigtownshire, to be sent to his brother in Glasgow. Very quickly, a crowd of over 100 gathered in the street to prevent the meal leaving the town. Telfair was attacked and beaten up, and forced to take refuge in his house which was stoned. To prevent the mob breaking down his front door, he came out, whereupon he was dragged back to the cart and forced to help unload the meal again.³⁷ At Edinburgh on 6 August some carts were seized on their way to the meal market.³⁸ Three months later, at Beith in Ayrshire, another carrier's cart was seized by a local crowd just as it was about to set off for Greenock, loaded with meal. The crowd then forced the sale of the eight bolls of meal at 2s a peck.³⁹

A more premeditated instance of the seizure of carts occurred at Newmills and Galston on 28 and 29 October 1800, the day after the Beith incident. The events were preceded by the circulation of a handbill in the area warning local families not to allow another ounce of meal to

36. JC26/305, Ind. against David Wilson, et al., 10 April 1800.

37. JC26/305, Ind. against William Vernon, et al., n.d. [1800].

38. Scots Magazine, lxii (1800), 373 and 374.

39. JC26/309, Ind. against Matthew Sheddon, et al., n.d. [1800].

leave the parish, while also warning the mealsellers to sell each peck of meal one halfpenny cheaper than the last until the price reached 1s a peck. The final warning was to take heed 'or your house shall burn at least "ye unfeeling take care what your Dry Mouths utter"'.⁴⁰ During the evening of 28 October the first cart was stopped outside Newmills and its load seized, after which it was brought into the village and handed over to Matthew Pollock, mealseller for the village Weavers' Society.⁴¹ The crowd then set off for the neighbouring village of Galston, to try to intercept more carts. There they reported their activities to George Murdoch, the Town Clerk of Newmills, who was drinking in a Galston inn, and whose rôle in the affair is not very clear. He advised them to put the meal on sale in Newmills at the market price and return the money to the owners of the meal.⁴² Murdoch then encouraged those who had come to Galston to stay and drink with him there, his defenders claiming his motives were to keep them from causing trouble, but his accusers, by implication, that they were to keep the crowd together for further action. At any rate, in the early hours of 29 October, the sound of a cart was heard in the inn and many people rushed out to investigate. It was discovered that the cart was loaded with potatoes, bound for Newmills and, after a drink in the inn, the driver was sent on his way, taking George Murdoch, much the worse for drink, home with him. About 4 a.m. two more carts were stopped.

Although bound for Strathaven, the crowd ordered the carters to take

40. JC26/311, Handbill in H.M. Advocate v. George Murdoch, et al., 16 April 1801.

See below, following p.352.

41. Ibid., Decl. of Stewart Mackie, 12 November 1800.

42. Ibid., Decl. of James Havern, 7 November 1800.

their loads to Newmills, which they did, accompanied by the Newmills crowd. Along the way some of the crowd, by this time fairly drunk, mistreated the carters, one of whom owned the meal. Arriving at Newmills at 6 a.m., all the men went off, leaving the meal to the women who had come to meet the carts and who with 'stoups, pans, pigs and other implements' took all the meal.⁴³ One of the women said later that 'she took a little of the meal for her family and nobody demanded any price for it and the rest of the meal was taken away by the people in Newmills.'⁴⁴

The interception of carts travelling through Ayrshire was pre-meditated. It was preceded by handbills against the practice of moving meal from the area and the carts were intercepted at a distance from Newmills and at points to which the crowd had gone for that purpose. The Lord Lieutenant of Ayrshire, Lord Eglinton, considered that the guilt of those concerned in the affair was aggravated by the fact that there were already 30 or 40 bolls of meal in Newmills 'ready to be sold 1d per peck below the Kilmarnock price'.⁴⁵ If this was the case, the people of Newmills did not consider that 30 or 40 bolls of meal was sufficient for their future needs, given the scarcity of supplies. They also felt that '1d per peck below the Kilmarnock price' was not cheap enough to reassure them of their ability to buy enough meal or of the future state of the market.

43. Ibid., Decl. of Stewart Mackie, 12 November 1800.

44. Ibid., Decl. of Ann Lyon, 7 November 1800.

45. H.O. Corr., RH2/4/86, f.259v., Lord Eglinton to Robert Dundas, 30 October 1800.

Some months after the Ayrshire disturbances, a tenant farmer from Roxburghshire had two of his carts destroyed in Langholm by a hostile crowd, who believed that he had bought meal with the intention of removing it from the town.⁴⁶ In this sense, therefore the disturbance involved the prevention of the export or movement of meal inland. James Turnbull, the farmer, however, claimed that he had brought the six loads of meal to the public market at Langholm for retail to the inhabitants. Nevertheless, and despite remonstrations to that effect from his servants, two of his empty carts were seized and one was toppled over the bridge into the River Esk while the other was pushed over the river bank; both were shattered to pieces.⁴⁷ Turnbull was thus effectively deprived of the means of exporting meal from Langholm, even if he had minded to, although the meal itself appears to have been untouched. In October 1801 carts going to the meal market in the Cowgate, Edinburgh, were intercepted and their loads seized and distributed. It was rumoured, that 'the Mealsellers were going to raise the Meal to Eighteenpence the peck' and this was given as the reason for the seizure.⁴⁸ Another incident involving the seizure of carts took place in Edinburgh in August 1812 when crowds in the Cowgate and Grassmarket assembled to intercept supplies on their way to the meal market. Several were seized there and also on Dalkeith Road.⁴⁹

With these three incidents, the total number of disturbances

46. JC26/310, Ind. against John and William Lawson, 9 April 1801.

47. Ibid.

48. JC26/311, H.M. Advocate v. William Sheriff, Decl. of William Sheriff, 31 October 1801.

49. Scots Magazine, lxxiv (1812), 723.

involving the stoppage of meal is only seven. In France at the same period the seizure of foodstuffs in transit from one part of the country to another was almost commonplace in times of dearth and the arrêt, as it was called, was a major problem for the central authorities. The popular view in France has been summed up by R.C. Cobb:-

The petit-peuple believed in what it could see and the solution was to lay hands on as much food as possible, wherever it came from and wherever it was supposed to be going. 50

Clearly, the arrêt in Scotland was not a problem on the same scale, although it may be that Cobb's view of French popular attitudes can be applied to Scotland in the few cases which did occur. The most obvious reason for the lack of such incidents must be that, unlike France with its long internal lines of communication, Scotland only transported small quantities of meal or other foodstuffs over long distances by land. Sea transport was more suitable for such bulky and relatively cheap commodities. Five of these incidents involved the interception of carts either in transit or before they set off and, significantly, all five occurred between December 1799 and January 1801, a period when prices were possibly high enough to encourage the transport of foodstuffs overland where at other times it would have been uneconomic. There were thus few opportunities for intercepting foodstuffs in transit and the arrêt was not at this time a common form of popular direct action in Scotland.

Far more common were attempts to prevent the export of meal, grain or

50. R.C. Cobb, The Police and the People, (Oxford, 1970) p. 314 and also at p. 261.

potatoes by sea. Between 1783 and 1812 there were at least twenty such incidents, most of them on the coast between Dingwall in the North and Largo in the South, but also several on the Galloway coast and two in Argyll. There are several different modes of action involved in these disturbances: preventing loads reaching the harbour; unrigging and disabling the ships involved; attempting to intimidate or win over the crews of the ships; unloading ships; and even putting ships to sea before they could be loaded. While most of the disturbances involved meal, a significant number were concerned with potatoes and with other grains. At Port William in Wigtownshire, a crowd stopped carts of potatoes from being exported.⁵¹ Potatoes were unloaded from ships in Aberdeen harbour in February 1796⁵² and from Kirkcudbright Harbour in December 1800.⁵³ At Oban in 1796 two vessels loaded with barley were boarded by the crowd when they called at the port for customs clearance,⁵⁴ while a disturbance at Campbeltown in February 1801 centred on grain due to be exported from there to a distillery in Crawforddyke, near Greenock.⁵⁵

When the people knew in advance that ships were to be loaded with meal, potatoes or other foodstuffs for export, very often they attempted to prevent the carts ever getting to the ships. In the Port William incident mentioned above, the potatoes were advertised for sale by their owner at 15d per auchet⁵⁶ but when no-one was prepared to buy

51. JC26/229, Ind. against Andrew Telfair, et al., 8 May 1783.

52. JC26/288, Ind. against Peter Sangster, et al., 16 April 1796.

53. JC26/310, Ind. against Marion Milligan, et al., 9 April 1801.

54. JC26/285, Ind. against Duncan McArthur, et al., 2 September 1796. (Remitted to Sheriff of Argyll)

55. JC26/309, Ind. against Duncan Sellars, et al., 3 September 1801.

56. Equal to an eighth of a boll or half a firloft, Scottish National Dictionary.

at that price he decided to export them. The people, unwilling to pay such a price for potatoes, but also unwilling to see them exported from the area, gathered between the village of Mochram and the harbour at Port William and seized the carts, assaulting the exporter at the same time.⁵⁷ Two weeks after some disturbances at Nether or Lower Largo, in Fife, in March 1783, a baker from Burntisland still had to get military assistance to disperse crowds at the harbour who tried to stop him loading 250 bolls of wheat.⁵⁸ Hence the grain was being exported only a few miles along the coast but opposition continued. As far as the crowd was concerned it was the removal of the grain that mattered not its destination. In June 1796 two women led a crowd to the harbour of Macduff where two local carters were employed in loading a quantity of meal on board a vessel there. The crowd prevented any further loading by driving away the carts.⁵⁹ At Fraserburgh in March 1813 the crowd turned back at least one cart on its way to the harbour and then closed off the approaches, preventing any further attempts to ship grain.⁶⁰

A few months earlier than the Fraserburgh disturbance, there were several incidents at Montrose, about which more details are known and which serve to illustrate some of the ways in which a crowd could act. A local grain dealer, William Shand, decided that he would export a cargo of grain from Montrose to Leith and he chartered a vessel for that purpose.⁶¹ He did so in the face of local popular opinion,

57. JC26/229, Ind. against Andrew Telfair, et al., 8 May 1783.

58. JC26/228, Ind. against Guthrie and Simpson, 28 March 1783.

59. JC26/288, Ind. against Marion Gillon and Isobel Minto, 16 April 1796.

60. JC26/360, Ind. against George Murison, et al., 17 April 1813.
See also AD14/13/88, Fraserburgh Precognition.

61. AD14/13/84, Montrose Precognition, (1812)pp.5-6, Decl. of John Mearns, master of the Barbara, 23 December 1812.

expressed in placards put up in the town.⁶² As the carts were on their way from his granaries to the harbour, they were intercepted by large crowds, mainly women, who seized the bridles of the horses and turned the carts around. They dragged them back to the granaries where some of the women loosened the necks of the sacks and emptied the oats on the ground. Only those carts loaded with barley were permitted to continue to the harbour.⁶³ For various reasons, no further attempts were made to ship grain from Montrose until 19 January 1813 when, with the assistance of the military and a large body of specially recruited constables, it was decided that enough force was available. The town carters did not turn up for duty and six country carts were all that were available.⁶⁴ With these few loaded up, the constables began to escort them towards the shore but found that they had to run a gauntlet between large crowds stationed on two knolls along the route, Windmill Hill and Horologe Hill. Some of the crowd dragged several boats from a nearby boatyard across the route of the carts and many of the women ran to the beach where they 'filled their laps with stones'.⁶⁵ The way for the carts was only passable after the military had cleared the crowd from the hills.⁶⁶ This was only the first obstacle in their progress and on the shore they were met by another crowd, or more likely the same crowd reformed, through which a way was made with some difficulty by the Sheriff of Forfarshire and another party of soldiers. This process had to be repeated all day and into the next.⁶⁷ On 20 January some of the crowd changed their tactics and concentrated on

62. JC26/360, H.M. Advocate v. Robert Buxton, Placard 'To the Inhabitants'.

63. AD14/13/84, Decls. of William Beattie, clerk, James Edward, servant To William Shand, and John Herd, carter, 12 December 1812.

64. Ibid., Decl. of Patrick Craigie, Provost of Montrose, 23 January 1813, Montrose Precognition (1813), p.13.

65. Ibid., pp. 132-4, Decl. of Adjutant John Nicol (Local Militia) 28 January 1813.

66. Ibid., pp. 100-101, Decl. of Andrew Thorne, 26 January 1813.

67. Ibid., pp. 16-17, Decl. of Patrick Craigie, 23 January 1813.

trying to prevent carts from the country from getting into Montrose. They assembled for this purpose just outside the town and had succeeded in turning several carts back before a body of constables was sent further out of town to escort the carts into town.⁶⁸ Thereafter the loading of grain was allowed to continue without serious disruption. While being ultimately unsuccessful in their objects, the people of Montrose had succeeded firstly in delaying the export of grain from Montrose and secondly making it necessary for the authorities to use regular troops and special constables to force through the export. There can be little doubt in the minds of the authorities that the export of grain at that time was most unpopular.

There were at least three instances where ships were disabled in the harbour by the removal of all or part of their rigging. At Dundee on 15 August 1795 a ship in the harbour there was boarded by the crowd and disabled.⁶⁹ Two days later, several vessels were attacked and disabled, their sails carried off and their rigging cut.⁷⁰ Both of the food riots which occurred on the West coast, at Oban and at Campbeltown, involved this sort of action. When two vessels loaded with barley for Liverpool called in at Oban on 21 March 1796, a large crowd assembled and boarded the first vessel, carrying off the sails. On the following day the second vessel was similarly boarded and disabled.⁷¹ When the sloop Favourite of Greenock arrived at

68. Ibid., pp.92-94, Decl. of Dr Robert Crabb, 26 January 1813.

69. JC26/282, Ind. against John Rodgers, et al., 25 September 1795.

70. Ibid., Ind. against David Ross, 25 September 1795.

71. JC26/285, Ind. against Duncan McArthur, et al., 2 September 1796

Campbelltown harbour to take on grain for the granary of James Watt & Co., Crawforddyke, the local people did not take kindly to the idea. On 26 February 1801, a crowd boarded her, stripped her of her sails and began to break open the hatches and cut away the masts.⁷² Two days later the same ship was again boarded by a crowd. The Magistrates of Campbelltown, trying to prevent further damage to the ship, were stoned by the crowd but, there being a 'general expression of reluctance among the crowd to hurt the Magistrates', the Provost and bailies were seized by some of the women and conducted away from the scene.⁷³ The crowd then hauled the Favourite from the Old Quay, where she was berthed, to a beach nearly half a mile away where they began to cut away the rest of the rigging and to attack the mast with hatchets.⁷⁴ The Volunteers arrived on the scene a few minutes after the mast had been brought crashing down.⁷⁵ In some ways this sort of activity, in its apparently mindless destructiveness, shows the 'worst' side of direct action. On the other hand it must be borne in mind that the people, very concerned as they were with the current or immediate food situation, had no other method of expressing their opinion in any meaningful way. The authorities, rightly or wrongly, were determined to allow the export of grain from these places and the crowd's action at least ensured that the vessels concerned were unable to do so.

In two of the above cases, at Dundee and at Oban, the vessels

72. JC26/309, Ind. against Duncan Sellars, et al., 3 September 1801.

73. JC26/309, H.M. Advocate v. Sellars, et al., Decl. of John Beith, 20 March 1801.

74. Ibid., Ind. against Sellars, et al.

75. Ibid., Decl. of John Beith.

were unloaded as well as being disabled. There are five further incidents in which vessels were simply boarded either to prevent loading or as a prelude to having all or part of their cargoes unshipped. The earliest example of this was in Inverness in April 1793 when a crowd of townspeople tried to prevent a vessel, which had been loading corn for Grangemouth for some days, from sailing. The crowd burst open the hatches of the ship, unloaded the cargo and deposited it in a local granary whose doors they had broken open.⁷⁶ At Macduff on 2 January 1796, after the carts had been stopped, as referred to above, the two women leading the crowd boarded the ship, locked the hatches, and declared they would not permit the export of meal from Macduff unless and until the Magistrates promised to provide meal at 1s a peck. This situation was only resolved, temporarily, when the parish minister pledged himself to get 50 bolls of meal at that price. The export was then allowed to continue until 13 January when a crowd boarded another ship loading with meal, locked the hatches, and told the exporter, a local farmer, that he would not be allowed to continue till he undertook to supply them with low-priced meal. He eventually promised 150 bolls of meal at 15s a boll but had to surrender the keys of his granary as security.⁷⁷ A month later, at Aberdeen, a crowd gathered on the Quay and the New Pier and two vessels were boarded. Twenty-one sacks of meal and two or three barrels of potatoes were removed from one boat and a large quantity of potatoes from the other.⁷⁸ On the

76. H.O. Corr., RH2/4/20, f.175v., Bailies of Inverness to Sir Hector Munro, 9 April 1793.

77. JC26/288, Ind. against Marion Gillon and Isobel Minto, 16 April 1796.

78. JC26/288, Ind. against Peter Sangster, et al., 16 April 1796.

Monday following the disturbance at Aberdeen, 15 February 1796, a crowd at Montrose boarded a ship in the harbour there, removed fourteen '3 cwt' bags of barley from the hold and took them to the public market.⁷⁹ The situation in Montrose seems to have arisen from a general suspicion that the shippers, Messrs. Bisset & Sons, Merchants, had gone back on a previous promise to send bear or barley to be milled into meal and instead had cut it into barley for exportation.⁸⁰ The final incident of this sort occurred at Kirkcudbright on 26 December 1800 when a crowd, apparently led by three women, descended upon a vessel loaded with potatoes for Liverpool. They broke open the hatches and removed 12 bolls of potatoes which were distributed among the crowd.⁸¹ While the disabling of the ships prevented them from exporting more meal immediately, the removal of the meal or whatever from the vessels clearly prevented that particular cargo from leaving the area, and at the same time provided for the short-term need of the people for cheap food.

In attempting to prevent the shipment of grain from localities, the meal mob was not above the use of intimidation and even personal violence. It may be that Macduff, the scene of disturbances in 1796, had a reputation for popular violence because, in March 1800 when the captain of a vessel chartered to carry meal and oats from there to Aberdeen, saw that the loading was to be opposed, he refused to take it on board and set sail, still in ballast. Smaller vessels were

79. Ibid., Ind. against William Brand, et al., 9 April 1796.

80. Ibid., H.M. Advocate v. Brand, et al., Decl. of Joseph Petrie, 19 February 1796.

81. JC26/310, Ind. against Marion Milligan, et al., 9 April 1801.

chartered, but the pilots refused to take them into the harbour. When a ship did eventually get into Macduff harbour, the vessel was stoned by the crowd, while the agent of the exporter was intimidated and fled the town. The crowd turned its attention back to the boat. Some of them boarded her, confined the master and the only seaman on board in the cabin, put a dangerously small amount of ballast in the hold and took her out to sea where, after releasing the master and seaman, they abandoned her. The two men put out a signal which was fortunately seen by the battery guard in neighbouring Banff, who sent the Banff pilots out to her in order to bring her into the harbour there. A few days later it required the efforts of four companies of Banffshire Volunteers to hold back the Macduff crowd and to load another vessel with grain for export. ⁸²

Elsewhere more direct violence was used. At Dalbeattie in February 1800 a crowd of about 50 from the town went to the small harbour nearby where John Newall of Culkeist was loading a sloop with oats and barley. They attacked Newall who was forced to flee back to Dalbeattie where the crowd caught him, beat him up, tearing his clothes, and finally throwing him back into the Dalbeattie Burn. ⁸³ The captain of the ship attacked by the Campbeltown crowd was threatened with murder and only saved by the Volunteers. Two days later when his ship was again attacked he was assaulted once more, no doubt while trying to

82. H.O. Corr., RH2/4/86, ff.197-200, George Forbes, Sheriff-Substitute of Banff, to Earl of Fife, 3 April 1800.

83. JC26/305, Ind. against John Blacklock, et al., 10 April 1800.

defend his ship.⁸⁴ The knowledge that the loading of grain for export would be opposed and the fear of consequent damage to their ships, was sufficient, as at Macduff, to make some captains refuse to have anything to do with it. At Montrose, the ship-masters resolved 'not to ship any grain which was brought to them accompanied by a force, on account of its being dangerous to their vessels'.⁸⁵ Ten days later, when a forced shipment was being planned, placards appeared in the town reminding the ship-masters of their resolution and of the consequences to them if they went back on that resolution.⁸⁶ Even before the first of the disturbances at Montrose, subtle threats had been made about the consequences of shipping grain. A group of Montrose merchants saw a local woman, Barbara Lyall, emerge from a tinsmith's and when they approached

she said she had been getting her horn repaired and on their attempting to ship grain she would blow it when Five hundred people would assemble and would fight to the last.⁸⁷

It seems clear that the threat of violent opposition to the export of grain was something which people were prepared to use to try to prevent shipments. If the threat itself failed then actual violence could be, and was, employed.

84. JC26/309, Ind. against Duncan Sellars, et al., 2 September 1801.

85. AD14/13/84, Montrose Precognition (1813), pp.9-10, Decl. of Patrick Craigie, Provost of Montrose, 23 January 1813.

86. JC26/360, H.M. Advocate v. Ruxton, Placard, To the Shipmasters, production no. 3.

87. AD14/13/84, Montrose Precognition (1813), pp.106-7, Decl. of Alexander Smart, 26 January 1813.

(b) Taxation Populaire

Taxation populaire, the practice of forced sales and price-fixing or 'the imposition of price control by riot' ⁸⁸ has been described as one of the most characteristic forms of riot in England and France in the eighteenth century. ⁸⁹ While it would not be accurate to extend this description to cover Scotland in the period under discussion, incidents of this nature did occur and in at least ten disturbances taxation populaire was a definite element. Five involved both forced sales and price-fixing while the rest only involved one or the other, at least explicitly. Clearly an incident in which the sale of meal is forced against the vendor's will involved an element of price-fixing while an incident in which meal is sold at a price fixed by the crowd involves an element of sale by force. The distinction between the two types of action is therefore largely academic and all the disturbances can be discussed under the general name of taxation populaire while taking those involved both modes of action first as more explicit examples of activity.

The first example occurred at Lower Largo in March 1783, when the crowd, having burst open a local granary, took the oats from it to the nearby Lundin Mill where the tacksman was obliged to grind it into meal. The meal was in turn handed over to two mealsellers at

88. George Rudé, Paris and London in the Eighteenth Century, p.19

89. Ibid., p.24; R.B. Rose, 'Eighteenth Century Price Riots and Public Policy in England', International Review of Social History, vi, (1961), 283.

Lower Largo

to be sold by them at a certain Arbitray rate fixed by the said Walter Guthrie and Thomas Simpson ... without the consent, will or authority of the said Ebenezer Coutts, the proprietor. 90

One of those accused of mobbing and rioting, Thomas Simpson, a Largo weaver, confirmed this, but pointed out that the mealsellers had been told to sell at 15½d, which was the Cupar price, despite the fact that others had wanted it sold more cheaply. The mealsellers reported that Coutts would not accept the money. Meanwhile some of the crowd in Lower Largo went out and examined a quantity of unsold meal sent into the village by a local farmer. He had priced it at 15½d per peck but Alexander Ednie, a collier, proposed that it should be sold at 1s a peck because 'the weights were not sufficient ... and wanted five halfpenny's to make up the full weight'. This meal was therefore taken to the mealsellers with the instruction to sell it at 1s per peck. 91

In March 1796, incidents took place at Dumfries and at Portsoy. In the former, after a shipment had been seized, meal was taken to public market for sale 'at a reduced price', 92 while in the latter a crowd compelled James Reid, factor of the Earl of Findlater, to sell his meal at 1s a peck, instead of 1s 4½d, the price fixed by the

90. JC26/288, Ind. against Walter Guthrie and Thomas Simpson, 26 April 1783.

91. JC26/229, H.M. Advocate v. Guthrie and Simpson, Decl. of Thomas Simpson, 29 March 1783. (Sic - the case has become split between two boxes.)

92. H.O. Domestic Entry Books, RH2/4/220, pp.45-46, Duke of Portland to Provost of Dumfries, 21 March 1796.

Earl's commissioners. The factor only yielded to the crowd's demands and sold 20 bolls from Findlater's granaries at 1s per peck, after they had besieged him in a house for some time.⁹³ It is indicative of the rise in prices between 1783 and 1800, and of the astronomical price levels of 1799 to 1801, that when a cartload of meal was seized in Beith on 16 October 1800, the crowd should force its sale at 2s per peck which, although lower than the current price, was double the price fixed in Largo seventeen years earlier, and even in Portsoy in 1796, only four years earlier. This sale in Beith was proclaimed through the streets by the church officer and ten days later a local farmer was compelled to deliver four bolls of meal to the town for sale at 2s per peck in preference to his offer of two loads of meal at the current price.⁹⁴ The last of these disturbances occurred in Errol in the Carse of Gowrie in November 1801. It began when a crowd from the village went to a neighbouring farm, the Mains of Murie, asking for meal to buy. At first, the farmer, Eason, said he had none,⁹⁵ but after some conversation⁹⁶ and threats from the crowd⁹⁷ he admitted that he had meal and agreed to thresh some to be sent to Errol.⁹⁸ Another farmer was similarly forced to send meal to market but a proposal by some of the younger people to go to a third farm was rejected.⁹⁹

In a price-fixing incident at Port Patrick in 1783 a group of

- 93. JC26/288, Ind. against Margaret Sim, et al., 16 April 1796.
- 94. JC26/309, Ind. against Matthew Sheddon, et al., 13 November 1801.
- 95. JC26/313, H.M. Advocate v. John Bruce, et al., Decl. of Mary Jackson, 13 November 1801.
- 96. Ibid., Decl. of Thomas Wighton, 3 March 1802.
- 97. Ibid., Ind. against John Bruce, et al., 23 April 1802.
- 98. Ibid., Decl. of Robert Young, 14 November 1801.
- 99. Ibid.; See below p.48

women and girls distributed meal from a local mill. When she arrived at the mill one of the accused said she was told 'to sift part of a sack, and weigh out and distribute meal to sundry persons at 20 pence a stone', claiming that she would have been 'mobbed' if she had asked or given more than that for the meal.¹⁰⁰ Forced sales were made at Kirriemuir in April 1783 after crowds from the town had gone round several farms in the area either seizing meal and transporting it back to Kirriemuir or forcing farmers to promise to send meal for sale at a later date.¹⁰¹ On the morning of 8 February 1796 while George Philp, a Kincardineshire farmer, was at a local mill to grind some oats, a crowd from Stonehaven burst in and demanded he should sell his meal at 13d or 14d per peck. Philp said he would not sell at less than 16d which was the current price. After threats he appears to have yielded to the crowd's demands.¹⁰²

When several carts were intercepted and their loads of meal seized at Dumfries on Christmas Day, 1799, and a quantity of meal taken from a shed in the town, it was all sent to the market for public sale.¹⁰³ Two months later another forced sale occurred at Elgin. A crowd visited farms in the area and forced the farmers to send quantities of meal into the town for sale. At one farm, the crowd supervised the weighing out and sacking up of two bolls of meal

100. JC26/233, Ind. against William Smith and M. McCaull, 9 May 1783, and Decl. of Margaret McCaull, 28 March 1783. (Wrongly boxed)

101. JC26/288, Ind. against Thomas Ogilvy, et al., 3 October 1783.

102. JC26/288, Ind. against Watt, et al., 15 April 1796.

103. JC26/305, Ind. against David Wilson, et al., 10 April 1800.

ready for transportation into Elgin the following day.¹⁰⁴ At another, they had yoked two of the farmer's horses and put sacks of his meal into his own carts before he persuaded the crowd to leave, promising he would bring them into Elgin the next day.¹⁰⁵

During several disturbances in Edinburgh, there were instances of price-fixing and forced sales. Volunteers broke up a crowd in the Pleasance where, on 30 April 1800, they were forcing a miller to sell his meal at 1s a peck.¹⁰⁶ In June 1801 there were reports that crowds were forcing another miller to sell meal 'at an under price'.¹⁰⁷ Later in the same year meal was seized on its way to the meal-market in the Cowgate. Some was distributed but one man sold meal from a sack at 1s a peck and the money was offered to the carter. Only when he refused it was the money scattered to the crowd.¹⁰⁸

All these incidents reveal a popular determination that the people should not starve, that meal or grain which is known to be in storage should not be held by its owners at the people's expense and that the people should not have to pay exorbitant prices at a time of scarcity but that 'a just price' should be paid. This attitude is one of the more important aspects of what E.P. Thompson has dubbed the 'moral economy' of the eighteenth century crowd.¹⁰⁹ He has commented that:

104. JC26/303, Ind. against John Rannie, et al., 3 May 1800.

105. Ibid., H.M. Advocate v. Rannie, et al., Decl. of Emelia MacDonald, 23 February 1800.

106. H.O. Corr., RH2/4/86, f.220, James Clerk, Sheriff-Depute of Edinburgh to Robert Dundas, 30 April 1800.

107. H.O. Corr., RH2/4/87, f.79-80, Charles Hope, Lord Advocate, to Duke of Portland, 24 June 1801.

108. JC26/311, H.M. Advocate v. Sheriff, November 1801, Decl. of William Sheriff, 31 October 1801.

109. 'The Moral Economy of the English Crowd in the Eighteenth Century', Past and Present, 1, 1971.

It is not easy for us to conceive that there may have been a time within a smaller and more integrated community, when it appeared to be 'unnatural' that any man should profit from the necessities of others, and when it was assumed that in time of dearth, prices of 'necessities' should remain at a customary level, even though there might be less all round.¹¹⁰

This attitude is best illustrated by the conversation which took place between some of the crowd from Errol and Robert Eason, a local farmer, referred to above. One of the crowd, John Bruce, a weaver from Errol, went to Eason's front door 'having a pock [poke or bag] in his hand to carry meal', and asked the farmer to sell him meal, explaining that he had a poke to carry it in and money to pay for it. Eason told him he had no meal to sell, at which Bruce complained that it was very hard that he and his children could get no meal after working hard and that his children were so badly off for food that 'they were seen picking the haws from the bushes'. Mrs Eason did not improve the situation by commenting that this was not so bad 'as eating grass like the brute beasts'.¹¹¹ Undeterred, Bruce remonstrated that 'as God had blessed them with a good cropt [sic] it was improper in him [Eason] to keep up his Meal'. Equally adamant, Eason insisted that he had no meal and furthermore even if he had any he would not be forced to sell it by 'the menaces of a canaille'.¹¹² It was only at this point that tempers were lost in the crowd and threats were uttered that they would burn his house unless he sent meal to Errol at an unspecified

110. Ibid., pp. 131-2

111. JC26/313, H.M. Advocate v. John Bruce, et al., Decl. of Mary Jackson, 13 November 1801.

112. Ibid., Decl. of Thomas Wighton, 3 March 1802.

price fixed by them.¹¹³ It is evident that here the people were concerned to convince the farmer that it was immoral on his behalf to withhold meal in this situation, especially when the harvest of 1801 was relatively good, certainly better than the previous three years.¹¹⁴ The 'moral' nature of the crowd's attitude is confirmed by the crowd's later refusal to follow some of their younger members' desires to go to another farm to demand meal: 'the old people declared they would not go to Mr Webster's farm because he had supplied the Market before when the Town was in great want of Meal'.¹¹⁵ The popular reasoning must have been: Eason is a forestaller, but Webster is not; we will put pressure on Eason to supply us with meal from his stock but Webster would have done so already if he had had a stock. While the other examples of taxation populaire were less explicit in stating what the crowd felt, their actions revealed a similar attitude to the question of the food supply.

(c) Attacks on grain dealers

The crowd did not always act with such apparent restraint and physical attacks on the persons and property of grain dealers or mealsellers were by no means unknown. Most of these attacks can be usefully divided into two main types: attacks on the premises of grain dealers and mealsellers, usually in larger centres of population; and attacks on their persons, usually in smaller towns where the victim was relatively well-known. The two categories are not exclusive since

113. Ibid., Ind. against John Bruce, et al., 23 April 1802.

114. See Figure I.

115. JC26/313, H.M. Advocate v. John Bruce, et al., Decl. of Robert Young, 14 November 1801.

in the process of an attack on a mealseller's shop the mealseller himself may have been a victim of attack and vice-versa. Some incidents concerning threats or verbal attacks fall into neither category. One such occurred at Port Patrick in Wigtownshire in 1783 when two handbills appeared on the parish church door attacking the mealsellers and farmers of the area. The first was entitled A Short Sermon suited to the Present Time and included a quotation from Proverbs Chapter II v.26: 'He that withholdeth corn the people shall curse him. But blessings shall be upon the head of him that selleth it'.¹¹⁶ The handbill which appeared the following Sunday was a long rambling piece which had made sarcastic reference to the efforts of certain local notables to relieve the distress of the poor during the period of high prices and also stated that the national grain supply had recently improved, hinting broadly that continued high prices were attributable to the dealers in general and to Robert McClerie in Porttrue Mill in particular.¹¹⁷ As a result of these papers, the reading of which was, in the opinion of the Kirk Session, 'a very improper exercise for the people on the Lord's Day',¹¹⁸ according to the authorities, meal was seized from Porttrue Mill as we have already seen. At Stonehaven a crowd threatened to burn a farmer's house, to throw him off the pier, and 'to fasten a Rope about his neck and drag him through the Miln lead till he should be glad to sell his meal at their price'.¹¹⁹ The

116. JC26/233, H.M. Advocate v. Smith and McCaull, 9 May 1783, Production No. 1 and Extracted Minutes of the Kirk Session of Portpatrick, 16 February 1783.

117. Ibid., Production No. 2

118. Ibid., Extracted Minutes of Kirk Session of Portpatrick, 16 February 1783.

119. JC26/288, Ind. against Watt, et al., 15 April 1796. See below

attacks on mealsellers' and grain dealers' premises occurred for the most part in the large centres of population; in Aberdeen, Glasgow and Edinburgh with an ambiguous incident at Montrose. The Aberdeen attack followed the boarding and unloading of two ships in the harbour.¹²⁰ Crowds gathered in Schoolhill, Nether Kirkgate and Shiprow before heading for the cellar of William Rae, mealseller. They broke into the shop, forced open the doors by throwing large stones against them, and having gained entry to the cellar, gutted it. The whole contents, including 16 bolls of oatmeal, a 'cult' of barley, 40 lbs of soap and 8 lbs of snuff, as well as a chest of drawers, a meal stand, a complete set of meal weights, and other pieces of furniture. Later, another mealseller's premises were ransacked in the same way.¹²¹ Disturbances of a similar nature occurred in Glasgow on 15 February 1800, when crowds attacked mealsellers' and grocers' shops in Argyle Street, Townhead and Calton, as well as troops sent to disperse the rioters.¹²² More incidents of this kind happened in Edinburgh. Between 29 April and 1 May 1800, groups of local Volunteers as well as regular soldiers were kept busy hurrying from an attack on a mealseller in Leith, to one in West Port and from there to Bristo Street and then to the Pleasance, the crowd being careful to keep just out of the reach of the military.¹²³ Mealsellers' shops were again attacked in Edinburgh in June 1801¹²⁴ and again some eleven years later in August 1812 when victual dealers' and bakers' shops in Nicolson Street were threatened and several

120. See below p.38.

121. JC23/288, Ind. against John Donaldson, et al., 16 April 1796.

122. JC26/303, Ind. against George Bell, et al., 24 April 1800.

123. H.O. Corr., RH2/4/86, ff.219-220v., f.221, James Clerk, Sheriff-Depute of Edinburgh, to Robert Dundas, 30 April 1800 and 4 May 1800.

124. H.O. Corr., RH2/4/87, ff.79-80, Charles Hope, Lord Advocate to Duke of Portland, 24 June 1801.

mealsellers' houses in various parts of the town were attacked and windows broken. ¹²⁵ Like the last incident in Edinburgh, the attack in Montrose in February 1796 was on the mealsellers' houses. ¹²⁶

Personal attacks on dealers and mealsellers were as numerous. On the evening of 16 December 1780, William McLellan, mealseller in Crieff, was dragged from his house, bundled into a cart, 'hurled' through the streets and then thrown into the River Earn. ¹²⁷ It had been rumoured around the town for some time that McLellan was to be 'mobbed' ¹²⁸ and it was alleged that steps were taken the previous night to arrange that the threat should be put into execution. ¹²⁹ Some of the crowd gained entry to McLellan's house where he had hidden himself, first in a closet and then in his bed. He was eventually dragged out on to the street and put into the cart. ¹³⁰ Followed by a large crowd, McLellan was pushed through the town to the river into which both cart and meal-seller were pushed, the former landing on top of the latter. ¹³¹ One of the crowd waded into the river and pulled the cart off McLellan, but left him in the river. ¹³² The background to this particular disturbance is not clear. The national price situation was not serious although the Haddington Fiars for 1780 were 2s per boll up on 1799. ¹³³ The Edinburgh monthly meal price shows no drastic upheavals in late 1780; in fact the

125. Scots Magazine, lxxiv (2), (1812), 723.

126. JC26/288, Ind. against William Brand, et al., 9 April 1796.

127. JC26/223, Ind. against James Maxton, et al., 12 February 1781.

128. Ibid., Decl. of Peter Murray, 18 December 1780.

129. Ibid., Decl. of John Fraser, 22 December 1780.

130. Ibid., Decls. of James Gibson and Peter Murray, 18 December 1780.

131. Ibid., Ind. against James Maxton, et al., 12 February 1781.

132. Ibid., Decl. of David Campbell, 18 December 1780.

133. See Figure I.



December price was 1d a peck down, at 10d, on the November price.¹³⁴

The cause of this disturbance must lie in much more local circumstances about which we are not aware but which were more than likely connected with the way McLellan conducted his business as a meal seller.

There were more such attacks. During the disturbances at Kirriemuir in April 1783 a crowd concluded its activities with an attack on the house of James Badenoch, at Cowbelsey, forcing its way inside, breaking windows and assaulting Badenoch and his nephew William, a merchant in Glamis.¹³⁵ Both seem to have been involved in corn dealing. After the boarding and unloading of a vessel loaded with potatoes at Kirkcudbright in December 1800, a crowd sought out Thomas Sproat, a local farmer, in a boatman's house. They seized him, dragged him to the harbour, put him in a boat, and from there threw him into the river. They then pulled him out and paraded him through the streets of Kirkcudbright, until he was rescued through the intervention of a local doctor.¹³⁶ We have already seen how a Langholm crowd destroyed two carts belonging to a Roxburghshire tenant farmer whom they suspected of exporting meal from Langholm.¹³⁷ Similarly at Castle Douglas the person who tried to sell meal to his brother in Glasgow was attacked by the crowd and forced to help unload his own meal.¹³⁸ After the shipment of meal had been stopped by the crowd at Fraserburgh in

134. Scots Magazine, xlii, (1780) 563, 620.

135. JC26/228, Ind. against Thomas Ogilvy, et al., 3 October 1783.

136. JC26/310, Ind. against Marion Milligan, et al., 9 April 1801.

137. Ibid., Ind. against John & William Lawson, 9 April 1801.

138. JC26/305, Ind. against William Vernon, et al., n.d.

February 1813, one of the shippers was attacked by the crowd.¹³⁹

In these cases particular mealsellers and farmers attracted the animosity of part of the local community and attacks were made on them as a result. In disturbances near Elgin in February 1800 one farmer in particular aroused the crowd's animosity. The crowd went to his farm and broke into his kitchen, but he had escaped on horseback.¹⁴⁰ One of the accused said that 'he understood the men ... intended only to get Meal but he heard one of the women speak as if they were desirous to get hold of William Rhind himself'.¹⁴¹ Later, though, they took some meal from another farm because Rhind's initials were on the sacks.¹⁴² If they could not get Rhind, at least they could get his meal.

While relatively impersonal attacks on mealsellers' shops took place in the large towns, in the more closed society of the countryside attacks were more often aimed at specific individuals. These individual farmers and dealers were known to the people, who regarded them as being involved in illicit or immoral activities. In both types of action there is an element of punishment for transgressing what were regarded as decent rules of behaviour in situations of shortage. While the evidence on this point is not complete there are some grounds for this assertion. One point worth noting in this respect is the clear objective of every attack. Even in the cities there is no evidence that crowds went on a general rampage. After the incidents in Edinburgh, in April and May

139. AD14/13/88, Fraserburgh Precognition, 1813, Decl. of Charles Simpson, merchant, 18 March 1813.

140. JC26/303, H.M. Advocate v. Rannie, et al., Decl. of Emelia McDonald, 22 February 1800.

141. Ibid., Decl. of John Rannie, 21 February 1800.

142. Ibid., Decl. of Emelia MacDonald, 22 February 1800.

1800, the Provost reported that there had been little or no actual damage done and those arrested were generally 'so young, and their offences apparently so slight and trivial' that they were dismissed after a severe reprimand.¹⁴³ The Crieff incident concerned only the mealseller McLellan and the crowd's single-mindedness is apparent; this is generally true of the other incidents. The idea of the moral economy of the crowd has already been mentioned, and while the available evidence is not abundant, there may have been an element in all or most of these disturbances of punishment by the crowd of individuals or groups who had crossed the line between acceptable and unacceptable behaviour during a period of shortage and high prices. There was a suggestion that one of the reasons behind the disturbance at Montrose was the fact that Messrs. James Bisset and Sons, merchants in the town, had promised to send bear or barley to the mill to be made into meal but had instead had it 'cut into Barley'.¹⁴⁴ Significantly during the disturbance the crowd first removed barley from a boat in the harbour and then later attacked James Bisset's house, as well as others.¹⁴⁵ Whether or not it can be said that the crowd was prepared to 'punish' for transgressions of a popularly accepted code of behaviour, it is clear that the crowd could and did allocate responsibility for action which they felt had worsened their material condition, even if only in the short term.

143. H.O. Corr., RH2/4/86, f.233v., James Stirling, Provost of Edinburgh, to Duke of Portland, 14 May 1800.

144. JC26/288, H.M. Advocate v. William Brand et al., Decl. of Joseph Petrie, 19 February 1796.

145. Ibid., Ind. against William Brand, et al., 9 April 1796.

(d) Seizure of meal

Apart from these aspects of disturbances which we have just discussed and which figure in a large proportion of meal mobs, there are other types of action, other elements within a disturbance, and different circumstances which, while being less common, are worthy of some attention. There is the simple seizure and free distribution of meal from mealsellers' shops or farmers' barns. -Members of local Volunteer Corps were involved in some attempts to stop the export of meal. There were a few meal mobs in 1792 in which indications of radical politics were evident. On three occasions crowds protested about the arrest or punishment of those involved in earlier food riots and attempted to rescue the prisoners. Public meetings were sometimes called to discuss the meal situation before disturbances occurred. Near Edinburgh there were three attacks on distilleries in 1784.

Contrary to what might be expected, the blatant seizure of meal by a crowd was not a common event; a meal mob did not often seize meal for its own use. There is only one case in which the crowd seems to have been intent on this simple seizure. The incident occurred at Nairn on 16 March 1796 when a crowd tried to break into the house of a naval officer. The crowd believed that the building contained a quantity of oats and they tried for some six hours to break their way into the house, opposed by the Magistrates, the Lord Lieutenant of Nairn and a party of the Nairn Volunteers. In the event the crowd was unsuccessful in its attempts.¹⁴⁶ Other incidents did occur

146. JC26/288, Ind. against James MacKintosh, et al., 22 April 1796.

in which the seizure of meal or other foodstuffs was an important feature. During the Kirriemuir disturbance in 1783, quantities of meal were seized from several farms before being taken back for sale in the town.¹⁴⁷ When carts were stopped at Dumfries in December 1799, over 100 stones of meal were also removed from a shed and, together with the meal from the carts, were sold at the public market.¹⁴⁸

(e) Involvement of Volunteers

The activities of the meal mobs forced the authorities to call upon the Volunteers to maintain law and order. This sometimes caused a conflict of interest to arise among the men, between their roles as part-time soldiers and their loyalties to the local community. The establishment of Volunteer Corps in various parts of Scotland was intended not only as a home defence force against invasion but also as a para-military police force. In 1797, during the militia riots, the Duke of Portland commented that:

The maintenance of the internal Peace of the Country and the support of the Civil Authority, was the leading principle of their institution, and the consideration which influenced Government to approve and countenance it.¹⁴⁹

Not surprisingly therefore, the involvement of Volunteers in crowd activity caused the authorities some anxiety. On 3 February 1796

148. JC26/305, Ind. against David Wilson, et al., 10 April 1800

149. H.O. Domestic Entry Books, RH2/4/221, p.227, Duke of Portland to Duke of Roxburgh, 26 August 1797.

after a few weeks in which there had been some speculation about high prices and shortage of meal, the townspeople of Dingwall, with drums beating and pipers playing, and including all the Sergeants and Corporals as well as many of the rank and file of the local company of Ross-shire Volunteers, marched to the storehouse of Fowlis to prevent the export of grain held there. ¹⁵⁰

A more confused situation existed during disturbances at Peterhead late in February 1796. An ambiguous round-robin, was circulated by and among the Volunteers ¹⁵¹ in the town at the beginning of the month urging that the Baillie, the chief magistrate in a burgh of barony like Peterhead, should be petitioned not to allow soldiers to come to town 'or we will stop them by force'. The complaint seemed to be concerned with the shortage of meal, presumably believed to be caused in part by regular soldiers in the area buying up the town's supply and concluded with 'Meal at One Shilling per peck. God Save the King'. ¹⁵² On the day that a deputation went to see the Baillie, the shipping of some oats was stopped by a crowd. ¹⁵³ Some weeks later when one of those believed to be involved in the latter incident and in the circulation of the round-robin ¹⁵⁴ was arrested and a large crowd assembled to try and rescue him. To preserve the peace, a party of the Volunteer Corps and the Battery Company of Peterhead, members of which were the cause of much of the trouble in the first place, were called out. ¹⁵⁵

150. H.O. Corr., RH2/4/79, f.44, f.47, Decls. of Donald Crawford and John Burgess, 26 February 1796. Enclosed in F.H. MacKenzie of Seaforth to Duke of Portland, 19 March 1796.

151. JC26/288, H.M. Advocate v. James Cassie, et al., Decl. of John Hendrie, 4 March 1796.

152. Ibid., Decl. of James Cassie, 25 February 1796.

153. Ibid.

154. Ibid., Decl. of John Hendrie, 4 March 1796.

155. Ibid., Ind. against James Cassie, et al., 15 April 1796.

Even in this confused situation, in which the sequence of events is not clear, one example of involvement of the Volunteers in Peterhead in agitation, at least on the subject of the food supply, is evident.

After the disturbances at Macduff in April 1800 it was learned that some of the Volunteers there had been actually involved in setting adrift a grain-vessel. Since there was some doubt about the Banff Volunteers being prepared to act to quell the Macduff disturbance, they were lined up in Banff and told what was required of them. As the ammunition was being distributed a few from each company broke rank and threw down their arms. When the rest of them marched into Macduff the Volunteers there were drawn up to assist but many of them also threw down their arms and ran off rather than become involved in carrying through the export of meal against popular opinion and popular action. The export went ahead only when half the Volunteers who remained loaded the meal while the other half kept back hostile crowds of townspeople.¹⁵⁶ A curious incident occurred on the day following the meal mob at Errol in November 1801. The Volunteer Corps was called out to stand by during a meeting of J.P.'s to discuss the previous day's disturbance. As they were going to parade, some of the women, mainly the wives and mothers of the Volunteers, took their guns from them, but immediately gave them back.¹⁵⁷ The crowd, apparently with impunity, then stoned Spalding's inn, where the meeting was being held.¹⁵⁸ Although it is

156. H.O. Corr., RH2/4/86, f.198-199v., George Forbes, Sheriff-Substitute of Banff, to Earl of Fife, 3 April 1800.

157. JC26/313, H.M. Advocate v. Bruce, et al., 23 April 1802, Decl. of Mary Jackson, 13 November 1801.

158. Ibid., Ind. against Bruce, et al., 23 April 1802.

obviously not clear what happened here, it may be that the women simply removed part of the firing mechanisms, rendering the weapons useless and relieving the Volunteers of the unhappy task of shooting at their own townspeople. The horror of the authorities at Volunteer involvement in popular action was expressed by the Lord Advocate, Robert Dundas, when he wrote to the Lord Lieutenant of Ross about the Dingwall disturbance saying that the riot itself was not of such consequence as to justify criminal proceedings against the ringleaders but.

When committed by individuals associated together for the purpose of repressing Riot and Disorder, and conducted with a degree of regularity and system, not common in tumults of that nature, it assumes a consequence which seems to require your immediate interposition. 159

The Lord Lieutenant in turn advised the Home Secretary that the Dingwall Company of Volunteers should be totally disbanded, 'accompanied by every practicable mark of disgrace and disapprobation'.¹⁶⁰ The Volunteers themselves were well aware of the anomalous nature of their situation. One of those involved, again at Dingwall, commented about the march to Fowlis, 'that there was no order observed and that no one person more than another appeared to him to take the lead'.¹⁶¹ An observer asked one of the crowd if they were not the Dingwall Volunteers and was told that 'they were not the Volunteers today as they had not their Arms with them'.¹⁶² After investigation at Macduff two shoemakers who served

159. H.O. Corr., RH2/4/74, f.39v, Robert Dundas to F.H. MacKenzie of Seaforth, 12 March 1796.

160. Ibid., f.37v., F.H. MacKenzie of Seaforth to Duke of Portland, 19 March 1796.

161. Ibid., f.46, Decl. of John Burgess, 26 February 1796.

162. Ibid., f.51, Decl. of John Bertram, 26 February 1796.

in one of the Volunteer Companies were among those arrested. The Sheriff-Substitute described them as 'rascals who have received his Majesty's pay for three years past, and took this first opportunity of refusing to do their duty and joining in the riot'.¹⁶³ The Sheriff, without realising it, may well have hit on the reason for the Volunteers' behaviour. When it came to a conflict between duty as a Volunteer and acting along with the popular interest, the latter won. Men who volunteered their military service either to avoid more hazardous or onerous service or out of a genuine patriotic desire to protect their homeland against foreign invasion, were not willing to turn their rifles on their friends and neighbours. Many of the men must have been out of sympathy with, or unaware of, their officers' and the Government's view of the Volunteers as a para-military police force designed to put down internal unrest. When there were popular pressures to act together to prevent the export of meal or grain, then some of the Volunteers were quite clear on which side they stood.

(f) Democratic Politics

On three occasions at least during disturbances in which the food supply was a factor, there is some evidence to suggest that radical or even revolutionary considerations were involved in the crowd's behaviour. It should however be stated that the radical element in two of these disturbances is by no means clear and that very little can be concluded from any of these incidents. Another disturbance at Dundee in November 1792 is opposite in nature to the first of these qualifications - it

163. H.O. Corr., RH2/4/86, ff.199v.-200, George Forbes to Earl of Fife, 3 April 1800.

is not clear how much the food supply was a factor. Disturbances in Dundee continued for several days after 20 November, and were mainly concerned with popular celebration of the French Revolutionary Army's success in Jemappes, and the euphoric display of a Tree of Liberty.¹⁶⁴ The crowd's concern with the food supply arose because for some time the Corn Laws had prohibited the unloading of a cargo of meal in the harbour and direct action to achieve the unloading of the meal, in contrast to the usual desire to prevent the loading of meal, was intended. The pressure for such action was removed when a dispensation was granted by the Board of Customs at Edinburgh allowing the meal to be unloaded.¹⁶⁵

In the other incidents it is at least clear that the food supply was a factor in the popular action. From 4 April 1793 there were four days of rioting in Inverness after the crowd had tried to prevent the export of grain to Grangemouth.¹⁶⁶ These disturbances took place at a time when there was no general unrest about the question of the food supply and when the Haddington prices, although higher than the previous year, had not risen drastically.¹⁶⁷ The Edinburgh prices did jump from 1s 1d to 1s 3d in April¹⁶⁸ and a local variation of this nature may be part of the explanation in Inverness, as regards the local price there and the incentive of higher prices in Edinburgh and probably Glasgow, made to the export of grain from Inverness to Grangemouth.

164. H.O. Corr., (Supplementary) RH2/4/207, pp.367-371, 373-5. James Mitchell to Henry Dundas, 23 November 1792, and Enclosure.

165. Ibid.; H.O. Corr., RH2/4/66, f.203v., George Dempster to William Pulteney, 1 December 1792; RH2/4/65, f.33v., Mrs Bean to Henry Dundas, 24 November 1792.

166. Ibid., RH2/4/70, ff.175-178, Bailies of Inverness to Sir Hector Munro, 9 April 1793.

167. See Figure I.

168. Scots Magazine, lv, (April 1793)

During the unrest specific demands were formulated by the people and presented to the Magistrates who were obliged to accept. These were that firstly the grain in the vessel should be unloaded, ground into meal and sold at 1s per peck and secondly that no more grain should be exported from Inverness that year.¹⁶⁹ The Magistrates had their own explanation for the disturbance, and it is this in which we are interested at the moment. Their assertion was that shortage of provisions was only a pretext, since the meal market had not sold more than twenty bolls in the last five days, not enough to keep all those who were in the crowds for one day:-

Paine's Book it is now known has been very industriously circulated among the Lower Class of our people and its damnable Doctrines eagerly embraced by them. Of Liberty and Equality they are constantly talking and of making laws and fixing prices on every necessary of Life .¹⁷⁰

There is no further evidence that the people were inspired by Paine rather than concern over the food supply but it was said as early as November 1792 that the ordinary people in the Highlands were in possession of Paine's work 'translated into Erse' or Gaelic, probably in extract form.¹⁷¹

There was a second incident at Dundee in August 1795 when a ship was disabled and its cargo removed by the crowd. John Rodgers, one of

169. H.O. Corr., RH2/4/70, f.176-176v., Bailies of Inverness to Sir Hector Munro.

170. Ibid., f.177v.

171. The Journal and Correspondence of William, Lord Auckland, ii, 469, Henry, Lord Spencer to William, Lord Auckland, 26 November, 1792.

those arrested after the event denied, under examination, saying to the crowd

that we ought to have had a Revolution long ago,
(and) ... that if they wanted a revolution the
present was the properest time to obtain one. ¹⁷²

Rodgers, who had been a member of a local Society of Friends of the People, did not appear for trial and this might be interpreted as an admission of guilt on his part. It is almost certain that he would have been sentenced to transportation had he been found guilty and so he may not have wished to run the risk of such a sentence. At any rate it seems likely that sentiments such as those attributed to Rodgers were expressed during the course of these disturbances. There is no evidence to indicate that the crowd was affected by such sentiments. After the meal mob in Montrose, in February 1796, the crowd attacked the houses of both the exporter concerned and of other prominent citizens. The latter were described by one of the crowd as 'a parcel of royal rascals', ¹⁷³ a remark which may have been simply abusive but which might equally express a democratic scorn for supporters of the Government and constitution. The meal mob is probably the classic eighteenth century, pre-industrial example of popular direct action and, while these instances are few and inconclusive, it is interesting to note that in the 1790's there is some evidence to suggest that crowds could adopt new political ideas, and use them in old style disturbances for traditional aims.

172. JC26/282, H.M. Advocate v. Rodgers, et al., 25 September 1795, Decl. of John Rodgers, 21 August 1796.

173. JC26/288, H.M. Advocate v. William Brand, et al., 9 April 1796, Decl. of David Low, 19 February 1796.

(g) Rescue of prisoners

After each of three food riots, there was a sequel in which attempts were made either to prevent arrests or to rescue prisoners. The Kirriemuir disturbances in February 1783 were followed first by the trial of nine men from the town, six of whom were found guilty; two of these were sentenced to be publicly whipped.¹⁷⁴ On 17 October, when the sentences were to be carried out, a crowd assembled in the streets of Perth in an attempt to obstruct the execution of the sentence, began stoning the magistrates and troops who attended the two prisoners. Even when the attempt to stop the whipping had failed, the crowd continued to stone the soldiers guarding the prison.¹⁷⁵ At Macduff, on 2 February, two sheriff-officers and three constables arrested Margaret Gillon and Isobel Minto for their part in the disturbances in January. When, however, they tried to leave Macduff they were surrounded by a hostile crowd who snatched back their prisoners. The Sheriff Substitute quickly issued a new warrant for the two women and five others involved in the rescue and, having evidently expected trouble, marched into Macduff with the sheriff-officer, constables, a party of the Breadalbane Fencibles, and one each of the Artillery Company and the Trades Company of the Banffshire Volunteers. While the Sheriff-Clerk Depute was reading the warrants, Jean Wilson came up and tried to snatch them, saying that no such warrant should be read in the town of Macduff. She was promptly seized, and just as promptly rescued by the crowd, as the Sheriff Substitute and the military apparently stood

174. JC26/34, North Circuit Minute Book, xxxii, Sentence against Thomas Ogilvy, et al., 4 October 1783.

175. JC26/232, Ind. against Thomas Kid, et al., 22 April 1784.

by. ¹⁷⁶ Macduff's reputation for lawlessness - or independence - was continuing. Round the coast at Peterhead, about three weeks later, a man was arrested in the town for taking part in preventing the shipping of some oats. In the evening a large crowd from the town and nearby Boddom gathered in an effort to rescue him. ¹⁷⁷ During the affray, the crowd stoned the troops, a party of the Breadalbane Fencibles, as well as two companies of local Volunteers. Several of the crowd were also wounded by soldiers' bayonets. ¹⁷⁸ In these incidents the sympathy felt by the people for those arrested or punished for their part in the food riots is evident. The Perth incident, in particular, involving the punishment of men from Kirriemuir, some 30 miles away, and eight months after the event, shows that people were prepared to take direct action to express their antipathy to the punishment of men who had been trying to secure for themselves an adequate food supply. This was also shown at Peterhead to a lesser extent, while the Macduff incident, in conjunction with the further disturbances in 1800, reveals an independent and closely-knit community standing together against interference from outside.

(h) Public meetings

A feature also noticed during the militia disturbances of 1797 was the holding of public meetings to discuss the problem facing the people

176. JC26/288. Ind. against Catherine Shaw, et al., 16 April 1796.

177. Ibid., Ind. against James Cassie, et al., 15 April 1796.

178. Ibid., Decl. of John Hendrie, 4 March, and 2nd Decl. of James Cassie, 3 March 1796.

prior to any direct action. There were three clear-cut cases of this form of activity prior to meal mobs. A week before the disturbance at Dingwall, a public meeting in the town agreed that the cause of the shortage of meal was the buying up of grain by John Bertram, a local grain dealer, at such prices that the farmers did not grind any meal and the meeting concluded that 'if they were not supplied with Meal they would not allow the grain purchased to be shipped'.¹⁷⁹ On Monday 29 February, the day before one of the food riots at Inverness, the 'Apprentices and Journeymen of the Trades Incorporation' called a meeting in the park above the Castlehill for 1 p.m.; any one absent to be fined one shilling. One of those who attended said that

it was proposed among the persons so convened that as there was a Ship loading with Grain at Castle Stuart they should go there in a body in order to stop the loading of the Grain.

The witness proposed that they should apply to the Deacons of the Trades for a supply of meal, before they tried to stop the shipment. The application did not produce any concrete results, and the following morning, a second meeting, agreed by the first one, was held at 10 a.m. There,

it was proposed that the persons so convened should go down to the Thread and Hemp Manufactory at the shore in order to get the Labourers employed there to join them,

and then set off for Castle Stuart.¹⁸⁰ The crowd succeeded in marching

179. H.O. Corr., RH2/4/79, f.41v., Decl. of Patrick Hay, Bailie of Dingwall and Lt. of Volunteers, 26 February 1796.

180. JC26/288, H.M. Advocate v. David Murison, et al., 21 April 1796, Decl. of James MacKenzie, 3 March 1796.

to the thread and hemp factories but were prevented by the activity of the Magistrates and Volunteer Company from going to Castle Stuart. Only after several shots had been fired into the crowd, wounding some of them, did the people disperse.¹⁸¹ The campaign against the export of grain from Montrose in December 1812 and January 1813, began with a meeting of the townspeople. On 1 December 1812 a placard appeared on the walls and in the streets of Montrose, calling a meeting on the Windmill Hill at 4 p.m. on 3 December to do something about the shortage of meal and its high price. It also declared:

Now is the time to prevent the evil, not by a few individuals coming forward but let all come forward in one body and one mind so that if any punishment is to be inflicted let us all bear an equal share ...¹⁸²

The Magistrates banned the meeting, urging the merchants, manufacturers, tradesmen and other responsible inhabitants to keep their servants and children at home and to be prepared to assist the Magistrates.¹⁸³ This move was countered by a second series of placards altering the venue to Constable Hill which was outside the Magistrates' jurisdiction.¹⁸⁴ The meeting went ahead, and although we do not know the details of what was discussed there, the excitement shown was the prelude to two months of disturbance aimed at preventing the export of grain from the harbour of Montrose. The idea that ordinary people might gather together to

181. Ibid., Ind. against David Murison, et al., 21 April 1796.

182. JC26/360, H.M. Advocate v. Robert Ruxton, 20 April 1813, Placard 'To the Inhabitants', 1 December 1812, Production No. 1, 1 December 1812.

183. AD14/13/84, Montrose Precognition (1812), Proclamation, 2 December 1812.

184. JC26/360, H.M. Advocate v. Ruxton, 20 April 1813. Placard, 'Notice to the Inhabitants', Production No. 2.

TO THE INHABITANTS

How much we bear through simplicity and good nature yet when pressed too hard as nothing can be more severe than to be starved in the midst of plenty and what can be more affecting than to see your children looking you in the face and calling for a peice and you have nothing to give them Now is the time to prevent the evil not by a few individuals coming forward but let all come in one body and one mind so that if any punishment is to be inflicted let us all bear an equal share I say let us all come forward as one and remonstrat^{to the magistrates} with those in power on the evil consequences of allowing not only the whole grain being shipped but also the potatoes while they remain to be so scarce in the market and at such a price the place a few of us has thought most proper to meet is the wind Mill Hill precisely at four o'clock on Thursday afternoon when the whole inhabitants are requested to attend

Montrose December the first day eighteen Hundred and Twelve years.

SCOTTISH RECORD OFFICE

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discuss what action they should take on a particular problem and that direct action might be the result of such discussion at a public meeting, was quite foreign to many of those in authority at this period.

Nevertheless it can be assumed that these three disturbances are only the tip of an iceberg of indeterminate size. We will see below that public meetings were a feature of many of the militia riots of 1797. The very existence of such meetings, whether organised by a body representing a large proportion of the ordinary population or by the anonymous writers of handbills and placards belies the view that the popular disturbance was a crude and spasmodic response to economic stimuli and confirms the view that the behaviour of crowds is to some extent at least modified by custom, culture and reason. At these meetings a popular consensus could be arrived at, by which later direct action could be justified and legitimised.

(i) Attacks on distilleries

The last type of disturbance to be discussed is unique in two ways. The attacks on distilleries in Edinburgh in June 1784 involved the only fatality among the crowd or law enforcement agents during our period. Such attacks were also not repeated in that time. 'An unjust prejudice having lately arisen against Distilleries', rumours that Haig's distillery at Canonmills near the city was to be attacked began circulating in May.¹⁸⁵ It was popularly believed, but officially strenuously denied, that the distillery, which was large and of recent construction, was using up large amounts of grain and thereby forcing

185. JC26/231, Ind. against Peter McGregor, et al., 21 July 1784.

up the prices of meal for normal consumption. The Lord Justice-Clerk remarked of the crowd, 'that the Dearth of corn proceeds from secondary causes, setts the whole inflame' ¹⁸⁶ and this seems to have been the case. 'Various incendiary letters have been dropt, at different times, in the streets, tending to incite a general rising to pull down or burn this extensive work', commented the Caledonian Mercury. ¹⁸⁷

The rumours were confirmed on the evening of 4 June when a crowd gathered near the distillery and began to attack it, trying to break open the gates, stoning the windows and smashing a number of casks stacked outside. Only the fact that the owner and some of his workers were inside the distillery to defend it and then the timely arrival of a detachment of soldiers prevented the crowd from gaining entry. ¹⁸⁸ As troops arrived shots were fired and a man was killed as he got half way inside the wicket gate of the distillery. ¹⁸⁹ Two of the distillery men were thought to be responsible and were taken prisoner by the dragoons who marched them off to the Tolbooth, harassed and abused by the crowd. ¹⁹⁰

Far from stopping further disturbance, the fatality may have contributed to the renewed activity after the weekend. On Monday 7 June, a crowd gathered at the West Port in Edinburgh, and, having

186. H.O. Corr., RH2/4/57, f.120., Thomas Miller, Lord Justice-Clerk, to Lord Sydney, 19 July 1784.

187. Caledonian Mercury, 5 June 1784.

188. JC26/231, Ind. against Peter McGregor, et al., 21 July 1784.

189. Ibid., Decl. of Peter McGregor, 24 June 1784, and Caledonian Mercury, loc.cit.

190. Scots Magazine, xlvi (1784), 331-2

siezed the Portsburgh Bailie's drum, ¹⁹¹ marched off through the Grassmarket and down the Canongate towards Leith, calling out 'For Canonmills'. ¹⁹² A boy soldier with a fife was forced to accompany the drum as they went. From Leith the crowd took the Cramond Road as far as Warriston from which they cut back towards the city to Canonmills where they were met by the Sheriff and a party of soldiers. ¹⁹³ Even their presence did not prevent further damage to the distillery during which the Riot Act was read. The crowd remained outside the distillery for over an hour thereafter, ¹⁹⁴ until, in pursuance of an alleged threat to burn the Sheriff's house, they marched off thither, only to be prevented from executing the threat by another detachment of military. ¹⁹⁵ One of those involved in the Friday evening's disturbance at Canonmills was George Laurie, a flesher from Dalkeith, and, whether by coincidence or not, on the same day as the second incident at Canonmills, another attack on a distillery took place at Ford, near Dalkeith. A crowd gathered in the town and went off with the avowed intention of destroying Alexander Reid's distillery at Ford. William Spence, pursued by the authorities all the way to London where he was arrested in October 1784 after enlisting in the Royal Artillery, ¹⁹⁶ was accused of having called

191. JC26/231, H.M. Advocate v. William Anderson, et al., 24 August 1784, Decl. of William Welsh, 16 July 1784.

192. Ibid., Ind. against William Anderson, et al., 24 August 1784.

193. JC26/231, H.M. Advocate v. Fraser, 26 July 1784, Decl. of John Fraser, 5 July 1784.

194. One hour is the time specified in the Riot Act after which it is legitimate for troops to fire on a crowd and the indictment may reflect the requirements of the Act rather than what actually happened.

195. JC26/231, Ind. against John Fraser, 26 July 1784.

196. JC26/231, H.M. Advocate v. Spence, 13 December 1784, Defences for William Spence, n.d. and Decl. of same, 12 October 1784.

out the colliers from Easthouses to join the crowd at Ford. During the evening the still house, two sheds, two byres, two stables, a hay-loft, a cellar and the servants' rooms were destroyed by fire while Reid's own house was only saved after the crowd had left about midnight.¹⁹⁷

A meeting of the heritors of Midlothian, held in the Parliament House on 19 June, accepted the Haigs' assurances that the stories told of their distilling from oats, oatmeal, pease, beans and potatoes were completely without foundation, false and calumnious.¹⁹⁸ If there were not some justification for the popular suspicions it is difficult to explain the crowd's activities. There was, for instance, no sudden jump in meal prices, since, although they were relatively high, at 1s 2d, that price was steady from 14 May to 10 September 1784.¹⁹⁹ The disturbances may have been connected with the celebrations, on 4 June, of the King's Birthday, an occasion at which much alcohol was consumed by the people often at the expense of the gentry who distributed money to drink the King's health. The Caledonian Mercury reported that 'the innocent and harmless demonstration of joy' prevailing in the city was marred by the events at Canonmills,²⁰⁰ and the attack may have been timed to coincide with these distractions, the people having been previously warned by handbills to expect such an attack. Having said that, we are no nearer explaining the disturbance except in terms of the common belief that 'the high price of provisions is solely attributed to the quantity of grain there manufactured into spiritous liquors'.²⁰¹ This explanation tends to be confirmed by

197. Ibid., Ind. against William Spence, 13 December 1784.

198. Scots Magazine, xlvi, (1784), 332.

199. Ibid., passim.

200. Caledonian Mercury, 5 June 1784

201. Ibid.

the fact that the distillery was both new and extensive, and may, for both these reasons, have attracted much more popular attention than an older, smaller and more familiar establishment.

4. Conclusion

The question of the food supply, therefore, produced many and varied popular direct responses: from the simple seizure of quantities of meal for free distribution to the more sophisticated taxation populaire, the fixing of prices by the crowd on meal sent under duress from neighbouring farms; from the stopping of a cart with a boll of meal to the dismantling of a ship and the unloading of its cargo of meal. We have seen that some sort of traditional norm of behaviour in a situation of scarcity operated among the people who tried to impose this norm on local farmers, meal-sellers and exporters. At least a hint of a more forward looking analysis of these situations was evident when democratic, and indeed revolutionary, rhetoric was used in a very few disturbances. The typical meal mob took place in or near a small coastal town and, as we have seen, was concerned with preventing the export of meal from there to some much larger centre of population, to Leith for Edinburgh, or to Grangemouth for Glasgow, for instance. These disturbances took place when the price of meal was high and the prospect or reality of shortage existed.

All the economists, all the substantial farmers, all the grain dealers, and all the members of the government executive saw the manifest advantages to the country at large, and to themselves in some cases, of the free internal movement of grain. It is accepted that not

all areas of the country could even approach self-sufficiency in food: the rapidly expanding industrial areas of the central Lowlands were clearly the most significant but other areas were also not self-sufficient; the Highlands of Inverness-shire, for instance, being supplied to a large extent by the surplus of the county of Nairn.²⁰² These areas had to be supplied with grain. Nevertheless, what the theorists and entrepreneurs left out of the equation was the supply of these areas from which the grain came and very often through which it was exported. The people of these towns - weavers, tailors, blacksmiths, wrights, shoemakers, labourers, fishermen - earned their keep by providing their skill or their services or their produce to the town and its hinterland and received in return money-wages, from which they had to provide for themselves and their families. They depended for their supply of food on the local market, or occasionally on local farmers.. They lived close enough to the countryside to know how the harvest had gone and what the price situation was likely to be. They knew about the activities of the grain dealers, about their prospects for a quick profit when prices were even higher elsewhere. The situation near Dingwall prior to the disturbance there has been described, where 'the improvident neglect of the Magistrates' was

heightened by the manoeuvres of some dealers in corn who, not content with buying up the corn in the market, sent the jobbers from house to house and bought in small quantities whatever they could procure for ready money. They were tempted to this by the high prices of grain and meal at Leith and the Country people on their side being tempted by ready money.²⁰³

202. W. Leslie, A General View of the Agriculture of the Counties of Nairn and Moray, (London, 1811) p.403

203. H.O. Corr., RH2/4/79, ff.37-37v. F.H. MacKenzie of Seaforth to Duke of Portland, 19 March 1796.

When meal and grain began to be shipped from the surrounding area, through their town, and at the same time prices in the market rose and supplies dropped, the only resort was to direct action. The same applied away from the coast when supplies dropped off and prices rose but farmers were known to have, or believed to have, supplies of meal or grain ready to grind, waiting for the price to rise even higher.

Slightly different factors were at play in urban areas where, though the fears of shortage and high prices were similar, other factors also operated - ignorance about the general price situation and susceptibility to rumour. At Edinburgh, for instance, an accused explained the crowd's actions:-

The reason he understood for laying hold of this Meal was that the Mealsellers were going to raise the Meal to eighteenpence the peck. And he heard one of the Town Officers who were at the meal market say that they would not sell the Meal so low as they had done the week before. 204

This incident took place at the end of the period from 1799 to 1801, when prices had rocketed and, although this particular fear was not substantiated, the people were understandably suspicious and fearful. Direct action here, as elsewhere, seemed to be the only response, not only, hopefully, ensuring a better and possibly cheaper supply of food, but also releasing the tensions and frustrations created by lack of control over events that were of the greatest importance to their lives.

204. JC26/311, H.M. Advocate v. Sheriff, November 1801, Decl. of William Sheriff, 31 October 1801.

CHAPTER THREE

THE MILITIA RIOTS

1. The Militia Act
2. The Popular Reaction
3. The Reasons

Widespread disturbances occurred in Scotland in August and September 1797. They were caused by opposition to the Scottish Militia Act which had been passed in July that year,¹ and occasioned by the attempts all over the country to put it into effect. The first disturbance occurred at the village of Eccles in Berwickshire on 17 August 1797² and there were further riots elsewhere in the Borders, in the Lothians, Galloway, central Scotland, Fife and finally in the highlands of Perthshire and Aberdeenshire where the last incident happened on 19 September 1797.³ The disturbances caused a great deal of alarm in Government circles in both Edinburgh and London and among the local gentry who were somewhat closer to the action. The military resources of Scotland were so stretched by calls made from the quarters most affected by the riots that reinforcements had to be sent from the North of England.⁴ At one point it seemed that the opposition to the Act would be successful and the Act would be suspended at least temporarily if the central authorities had not sent stern orders to the Lords Lieutenant reminding them of their duties and telling them that the Act was to be executed with the assistance of the military, come what may.⁵ It is proposed to discuss this episode under three

1. An act to raise and embody a Militia force in that part of the Kingdom of Great Britain called Scotland, 37 Geo III, cap. 103 (19 July 1797)
2. H.O. Corr., RH2/4/80, f.162, Earl of Home to Lord Adam Gordon, 17 August 1797.
3. H.O.Corr., RH2/4/82, f.173, Earl of Fife to Duke of Portland, 3 September 1797.
Ibid., f.177, Earl of Aboyne to Robert Dundas, 17 September 1797.
4. H.O. Corr., RH2/4/80, f.246, Lord Adam Gordon to Portland, 30 August 1797.
Ibid., f.256, 'Note of Regiments detached by General Musgrove to Scotland'
5. H.O. Corr., RH2/4/221, p.300, Portland to Duke of Hamilton, 3 September 1797.

headings: the Militia Act and the Government's reasons for introducing it; the popular reaction to the Act; and the reasons for that reaction.

1. The Militia Act

The Scottish Militia Act was part of the central Government's attempts to increase the number and flexibility of its home defence forces. The outbreak of hostilities with France in 1793 had presented the government with new problems in that sphere. In the first place the success of the French armies in Europe presented a military threat of invasion since the naval defences of Britain were stretched as a result of French control of the Dutch coastline. The new revolutionary spirit abroad in Europe furthermore meant that not only was there internal unrest in Britain with at least the potential for revolution, but also that the French incentive to invade was increased by the possibility of popular support. Even if the threat of invasion was more apparent than real, the fear of it was sufficient to make many of those in authority regard very strong home defence forces as essential both against an internal threat of revolution and against an external threat of invasion. ⁶

In England the Government relied on three types of home defence force, the Fencible regiments, the Volunteer Corps and the Militia regiments. The Fencibles were units raised by individuals: usually large landowners, for service limited normally to the British Isles. They had the advantage of being permanently on service and ready for

6. See e.g. J.R. Western The Recruitment of Land Forces in Great Britain, 1793-1799, (unpublished Edinburgh PhD, 1954), pp.16-17. (Western, Recruitment).

action, but the disadvantage, as far as the Government was concerned, of having to be paid on that basis. The Volunteers were civilian part-time soldiers whom the Government supplied with arms and who generally drilled twice a week, for which they were paid. Uniforms were normally supplied by themselves although sometimes subscriptions were raised locally to pay for the private soldiers' uniforms. There were several types of Volunteer corps; artillery companies in the coastal towns, infantry in the inland towns and cavalry in the rural counties. The main advantage of this type of force was its cheapness but this was in many ways outweighed by the disadvantages of the different companies or corps being slow to mobilise and also often being restricted in their service to the immediate area of the towns or counties in which they were raised. These considerations made a swift and flexible response to an emergency almost impossible. The third force, the Militia, had many of the advantages and few of the disadvantages from the Government's point of view. The Militia was a compulsory levy of men by the state on the counties, approaching but not quite reaching the idea of conscription.⁷ A ballot was held of those liable for service in each district of the county and if a man was chosen he had to serve in person, or provide a suitable substitute, or pay a fine which was used to pay for a substitute. The advantage for the Government was that here was a force which, when necessary, could be embodied and put on active service quite quickly, which could be used in any part of Great Britain, and which, while it was largely administered by the county, was under the control of the central authorities much more directly than the Volunteers.

7. Ibid., pp.140-141

It did, however, have one drawback; it was ~~by~~ no means popular with the people who were expected to make up its numbers.⁸

In Scotland the Government had to rely on the Fencible Regiments and on the Volunteer Corps because there was no system of militia. When the English militia had been reorganised in 1757, pressure in Scotland had been strong in support of a similar system there.⁹ It was widely believed in Scotland at that time, probably quite correctly, that the refusal to sanction such a Scottish Militia was based on a fear that this move would be tantamount to rearming the Jacobites. This was regarded by many Scots as an insult to their loyalty and the issue was pressed very hard, as far as Parliament.¹⁰ On 15 April, 1760, however, despite the support of all but two of the usually compliant Scots MP's the proposal was defeated in the House of Commons.¹¹ In 1793, with the outbreak of the French war, a Militia Bill was in fact published for Scotland¹² but proved abortive because of, paradoxically, opposition from Scotland. A correspondent of Henry Dundas wrote from Glasgow stating

I am fully convinced that it would be highly improper to trust arms in the hands of the lower classes of people here and in Paisley ... the 'friends of the people' are I know very fond of the Idea which is at least a presumption against the propriety of the Measure.

8. For an account of the opposition to English Militia levies, see J.R. Western, The English Militia in the Eighteenth Century, (London, 1965), pp. 290-302, (Western, English Militia).

9. Ibid., p.163

10. Janet Adam Smith, 'Some Eighteenth Century Ideas of Scotland', in Phillipson and Mitchison (eds.) Scotland in the Age of Improvement (Edinburgh, 1970), pp.109-110, illustrates this.

11. Journal of the House of Commons, xxviii, 872; Western, English Militia, p.167

12. Journal of the House of Commons, xlvi, 945, (17 June 1793)

He thought Fencible-men would serve much better.¹³ A spy reported in fact that the Friends of the People did discuss, apparently in light vein, the possibilities of getting their members into the militia, one member suggesting that only 'friends of the people' should be allowed to bear arms.¹⁴ Faced with this sort of reaction, the Government dropped the matter for the time being.

Several factors combined to make the Scottish Militia Act possible in 1797. The first, and possibly most important, was a change, or rather a development, in Government policy. By 1797 it had decided that its reliance on the tripartite system of defence described above needed to be altered in order to put more power into the Government's hands to deploy troops as and when the situation required. The disadvantages, in terms of flexibility, of Volunteer corps, especially of infantry units, were becoming more apparent and, whereas in England the militia could be augmented to compensate, in Scotland there was nothing to fall back on except the Fencible regiments. In the ordinary run of events this might have been sufficient but the Fencibles themselves had become less attractive to the authorities. In 1794 and earlier there had been several mutinies among the Scottish Fencible regiments when they had been asked to volunteer for service in England in order to strengthen the defences of the South coast against the threat of invasion.¹⁵ The Highlanders who made up a large proportion

13. H.O. Corr., RH2/4/69, f.177, John Dunlop to Henry Dundas, 16 January 1793.

14. H.O. Corr., RH2/4/69, f.252v. "J.B." to Patrick Moir, (25 January) 1793.

15. H.O. Corr., RH2/4/76, f.89, Lt. Col. Cochrane to Lord Adam Gordon, 12 June 1794.

H.O. Corr., RH2/4/77, f.314, Robert Dundas to Portland, 3 December 1794.

of these regiments feared that acquiescence in this respect would result in their sharing the fate of earlier generations of Fencible-men who had volunteered for British service only but had been shipped off to the East or West Indies to die of tropical fevers or to be disbanded there, far from home. Combined with this, and no doubt exacerbated by it, the Highland area was no longer providing the number of recruits of former years. ¹⁶

At the same time as the Government was moving once again towards the idea of a militia in Scotland, the climate of opinion among the enfranchised class at least was much less hostile to the introduction of such a system. The fear of imminent revolution was less widespread and those who preached reform seemed to have been silenced. The country gentlemen who would be expected to operate a militia system preferred still to express their loyalty to the Crown and the Constitution by raising local Volunteer corps over which they had some control and in which they were men of some importance, but by 1797 many of them were prepared to go along with the Government's militia. At the same time another factor made it easier for the Government to implement a militia system and for the country gentlemen to accept it and enforce it. In 1794 it had been decided that Lords Lieutenant and Deputy Lieutenants should be appointed for the Scottish counties. ¹⁷ This move had been primarily designed to establish a framework for the collection of intelligence of all sorts but most particularly about seditious

16. J.R. Western, 'The Formation of the Scottish Militia in 1797', S.H.R., xxxiv, (1965), 7.

17. Ibid., p.8

activities, so that the central Government could keep its finger on the pulse of the nation.¹⁸ It was, however, ideally suited to serve as a framework for a militia on the English model since the country gentlemen were already in a sense recruited as Deputy Lieutenants.

The Scottish Militia Act which was finally passed on 19 July, 1797,¹⁹ was broadly similar to previous English militia measures.²⁰ It provided for a force of ^{six thousand} ~~twenty-three~~ men to serve for the duration of the war plus one month, service being restricted to Scotland.²¹ The parish schoolmasters or constables, where appropriate, were responsible for making lists of those liable to serve, which category included all men between nineteen and twenty-three inclusive,²² except married men with two or more children, sailors, apprentices, articled clerks, ministers, schoolmasters, professors and officers and men in the regular or Volunteer forces, registered as such before the passing of the Act.²³ These lists were to be checked and objections to any inclusions heard by the Deputy Lieutenants at a District meeting and then forwarded to a General meeting for the whole county after which the numbers liable to serve were to be sent to the Privy Council which would apportion to each county its quota of the required six thousand. A ballot would then be held in each district to produce that quota.²⁴

18. H.O. Corr., RH2/4/76, f.26v., Henry Dundas to Lords Lieutenant, 14 May 1794.

19. The Bill was first introduced on 2 June 1797, Journal of the House of Commons, lii, 633.

20. Western, Recruitment, 167.

21. 37 Geo III, cap. 103, ss 15, 20 and 55.

22. Ibid., s.16.

23. Ibid., s.25.

24. Ibid., s.26, 27 and 28.

Those ballotted had to serve themselves, provide a suitable, unmarried substitute, or pay a £10 fine which would be used to hire a substitute.²⁵

Opposition to such an Act should not have been unexpected. Indeed, Robert Dundas, the Lord Advocate, may have been predicting opposition when he wrote to the Duke of Portland's Undersecretary at the Home Office that 'the Militia Bill is likely to be so much opposed, and is now so late of bringing forward, that His Grace need hardly confide to it this Summer as any part of our Defences'.²⁶ He may, of course, have been meaning Parliamentary opposition. In any case, opposition by the ordinary people was in many ways predictable in view of previous popular opposition to forms of compulsory military service in England. The 1757 Militia Act, the terms of which were broadly similar to the 1797 Scottish Act, had resulted in widespread rioting, especially in the Humber area.²⁷ There were sporadic riots in Kent from 1757 to 1759, and at Gateshead, Morpeth and Hexham in 1761, the latter being, somewhat ironically, put down by Militia units. There were further riots in Buckinghamshire in 1769, in Sussex in 1778 and in Merionethshire in 1779.²⁸ In London in 1794 there had been several disturbances occasioned by the reorganisation of the militia there and directed for the most part against the dubious activities of professional recruiting agents, known as 'Crimps'.²⁹ As recently as

25. *Ibid.*, ss. 20, 21 and 37.

26. H.O. Corr., RH2/4/212, p.383, R. Dundas to J. King, Under Secretary of State, 19 May 1797.

27. Western, *English Militia*, p.291

28. *Ibid.*, p.298

29. J. Stevenson, 'The London "Crimp" Riots of 1794', in *The International Review of Social History*, xvi, (1971) 40.

1796 there had been rioting in England when a Supplementary Militia Act was passed to increase the size of the English force. Disturbances occurred in Lincolnshire, Buckinghamshire, Northamptonshire, Norfolk and Cambridgeshire, while there was some tension elsewhere.³⁰

2. The Popular Reaction

The first news that all was not well and that the Militia Act was not going to be peacefully executed reached Edinburgh on 18 August when disturbances in Berwickshire were reported by the Earl of Home. In fact opposition had manifested itself as early as 27 July when a farmer went to the session clerk of the parish of Campsie and tore out the pages of the parish register which referred to his sons in order to prevent them being ballotted,³¹ while the young men of Strathaven held a meeting to discuss the Act on 16 August.³² At the time these were not treated as of much importance or significance. Home's report stated that Messrs. Marjoribanks and Waite, the Deputy Lieutenants, had been opposed by a crowd at Eccles kirk. Mr Waite had been knocked down twice and both had been 'compelled to sign a resignation of all authority as Deputy Lieutenants and to swear never to act further in that station'.³³ Home further warned that similar disturbances would occur at Lauder on the following Saturday, according to his information.³⁴ The Lord Advocate, who in normal circumstances would have had charge of

30. Western, Recruitment, pp.172-174

31. H.O. Corr., RH2/4/80, f.216v., Rev. Mr James Lapslie to R. Dundas, 28 August 1797.

32. Ibid., f.202v., Decl. of William Aiton, 27 August 1797.

33. Ibid., f.162, Earl of Home to Lord Adam Gordon, 17 August 1797.

34. Ibid.



the Edinburgh executive's response to this sort of outbreak, was out of town, not to return until 27 August, and Lord Adam Gordon, the Army Commander-in-Chief for Scotland, was in charge for the time being. He does not appear to have been too worried until 23 August when it became clear that the disturbances were not going to be localised. He reported to Portland, the Home Secretary

the very disorderly and very turbulent State in which many parts of Scotland are actually in at present - and many more have the appearance of being in before many days ... If this bad spirit shall become general and spread to different parts of Scotland - all the forces I can command here will be inadequate to force a compliance, and more force must be had. ³⁵

In the first couple of days after the disturbance at Eccles the country had been generally quiet. A report from Berwickshire on 23 August indicated that the county would very soon be returned to tranquility and attributed the origin of the previous outbreak to the parishes round Greenlaw whose inhabitants gathered together and went to wherever they heard the Deputy Lieutenants were to meet, 'compelling the inhabitants of every village and Farm in their way to accompany them, by which means their Numbers are very considerable!'. ³⁶ Elsewhere, however, more disturbances took place. On 21 August a crowd of several hundreds gathered at the east end of the town of Selkirk and marched through the streets 'threatening vengeance on all the Gentlemen of Selkirk, that had any hand in taking down their names'. One of

35. Ibid., ff.156-157, Lord Adam Gordon to Portland, 23 August 1797.

36. Ibid.; f.168, Major Robert Dundas Saunders to Lord Adam Gordon, 23 August 1797.

the Deputies was attacked and the other gentry who had come to attend the district meeting rode off at full gallop.³⁷ A mob assembled at Jedburgh on the 22nd, the local fair day, and trouble was expected because of the large numbers but the crowds were dispersed by the local Yeomanry. Having also received reinforcements of regular troops, the Lord Lieutenant exulted that 'we feel bold, and mean to act accordingly'.³⁸ In his previous request for military assistance, he had recounted a rumour which was given credence by the people 'that it is the intention of the Government to hereafter draught them into the Regulars and send them abroad'.³⁹ Disturbances also happened that day as far away as New Galloway, in the Stewartry of Kirkcudbright, where a large crowd had rushed into the Court House where the district meeting was being held,

snatched all the Minutes, and relative Lists,
tore them to pieces, abused and vilified the
Government and the Court and menaced the Judges
with personal Violence

'This Insurrection had all the appearance of being previously Methodized', the Deputy who reported the incident added.⁴⁰

Unrest and opposition to the Act became widespread in Stirlingshire, many district meetings were opposed by crowds of people,

37. Scots Chronicle, 1 September 1797

38. H.O. Corr., RH2/4/80, f.154v., Duke of Roxburgh to Portland, 23 August 1797.

39. H.O. Corr., RH2/4/212, pp.419-420, Same to Same, 22 August 1797.

40. H.O. Corr., RH2/4/80, f.180, The Dep. Lts. of Kirkcudbright to Lord Garlies, Ld. Lt., 23 August 1797.

schoolmasters obstructed when making up the lists and some lists were seized by force. 'They declare they will not be slaves, as they think the Act makes them', commented the Lord Lieutenant, the Duke of

Montrose.⁴¹ The outhouses at the manse of the Rev. Mr Lapslie, minister of Campsie, were burned to the ground on 22 August, after a disturbance at Cadder Kirk, just over the county boundary in Lanarkshire.⁴²

Even worse, it was reported that a crowd from Falkirk had burned Callender House to the ground and the occupant, Mr Forbes, had only just managed to escape with his life.⁴³

By the next day this last report was found to have been somewhat exaggerated, not to say completely erroneous, the house being not in the least harmed, 'tho' there was a Mob (it is said an inconsiderable one) on the road near his House ... only a few proceeded to the House, called out no Militia, and enquired for him'.⁴⁴

There had been no flames and Mr Forbes, who brought the news to Edinburgh himself, seems to have been a victim of his own imagination and the tensions of the period. At Kilsyth the schoolmaster had been threatened earlier in the week and the district meeting for the parishes of Kilsyth, Campsie, Strathblane and Baldenoch had been attacked by large numbers of people,

particularly of Manufacturers, who conducted themselves with great indecency towards the Magistrates and expressed themselves very disrespectfully concerning the Laws and the Legislature, declaring they would not be forced out etc.

41. Ibid., f.152, Duke of Montrose to Portland, 23 August 1797.

42. Glasgow Courier, 26 August 1797.

43. H.O. Corr., RH2/4/80, f.156. Lord Adam Gordon to Portland, 23 August 1797.

44. Ibid., f.172v., Montrose to Portland, 25 August 1797.

A district meeting at Balfron, 'where there is a Cotton Mill', was also opposed and the Deputies were forced to abandon it.⁴⁵ The authorities became particularly concerned when industrial areas became involved in the opposition to the Act.

The next area to become affected was West Lothian where, on 24 August, a large crowd gathered on Bathgate Muir to oppose the execution of the Act. A meeting of the people had been held three days earlier on the Muir to discuss the Act and at a meeting arranged by one of the Deputy Lieutenants at Whitburn to explain it, the people had indicated that they still opposed it.⁴⁶ On the 24th they called for the delivery to them of the lists and for a bond from the Deputy Lieutenants obliging them not to aid or assist in the further execution of the Militia Act.⁴⁷ Troops had already been sent to Kirkliston where trouble had been anticipated.⁴⁸ The Earl of Hopetoun in asking for military aid said that 'the Country People are so much set against it [the Act] and threaten to assemble three or four hundreds to obstruct it, which the Yeomanry could not repress'.⁴⁹ West Lothian opposition to the militia seems to have continued even after the Bathgate disturbance, the Yeomanry possibly intimidated from acting in defence of the Deputies and schoolmasters by threats that their houses and barns would be burnt in their absence.⁵⁰ This was one weakness

45. Ibid., f.175, same to same, 23 August 1797.

46. Herald and Chronicle, 19 October 1797, account of trial of Bathgate rioter.

47. JC26/292, H.M. Advocate v. John Forsyth, et al., Ind. against John Forsyth, 16 October 1797.

48. H.O. Corr., RH2/4/80, f.170v., Lord Adam Gordon to Earl of Hopetoun, 23 August 1797.

49. Ibid., f.170, Hopetoun to Gordon, 23 August 1797.

50. Ibid., f.248v., R. Dundas to Portland, 30 August 1797.

of the Volunteers or Yeomanry in such a situation, since they were vulnerable to this sort of tactic.

Disturbances continued in Lanarkshire with the disruption of the Strathaven district meeting held on 24 August in the church there. The meeting began to consider and correct the lists,

but by the tumult and noise made by the crowd which had assembled in the Church, to the amount of several hundred persons, who took an active part in the deliberations, and seem'd to assume the Sole right of deciding upon every Question, generally giving insulting impertinent and menacing Language, interrupting the business not only by Questions the most ridiculous and impertinent; But also by raising shouts peals of laughter and clapping of hands; they next proceeded to break seats in the Church, push one another over the seats, and Justle them upon the Gentlemen, rapp upon the floor with their feet, throw pieces of Broken Seats, chips of wood, hats etc. at each other and among the Gentlemen, till it became impossible to proceed in the Business ... 51

Opposition to the execution of the Act here seemed to have taken place in a carnival atmosphere, not lacking in boisterous good humour. The meeting of 16 August already referred to had appointed a committee of five to organise a general meeting of all the young men of the parish to consider the Militia Act. This had been held on 22 August when resolutions 'of a violent and Seditious tendency' were read out but two of the local gentry managed to dissuade them from publishing them, informed them that their meeting was illegal and agreed to start a subscription to pay for substitutes for those balloted.⁵² Evidently

51. Ibid., f.204, Decl. of Wm. Aiton, 27 August 1797.

52. Ibid., ff.202v. - 203.

they did not succeed in averting the popular expression of opposition to the Act which occurred on the 24th. The following day a crowd in the parish of Cambusnethan demanded the schoolmaster's list but were told by him that he had not compiled one, on which they demanded a signed obligation that that was the case. They then proceeded to Coltness house where they demanded the list from the Deputy Lieutenant, James Lockart of Castlehill, who repeated that one had not been made up. He was about to try and explain the Act to the crowd when he was informed by the crowd's spokesman that

he might save himself the trouble, they were themselves in possession of the Act, knew it well, but were determined, as was all Scotland, that no such Act should be carried into execution and that they would oppose it. 53

At the beginning of the following week, 28 August, a crowd at Carstairs, having compelled the schoolmaster to surrender the session book, surrounded the house of Allan Lockhart of Cleghorn and, when two of their number were allowed inside to speak to him, up to a hundred rushed in, forcing him to sign the usual obligation. 54 Lockhart was so shaken by his ordeal that he thought nothing could be done without military assistance; he also wanted the Duke of Hamilton to appoint a new Deputy for the district because he was too old for this sort of thing. 55 At Lanark the next day a crowd forced the Provost to

53. Ibid., f.183v., Decl. of Jas. Lockhart, 26 August 1797.

54. JC3/49, Books of Adjournal, H.M. Advocate v. Somervill, et al., 11 December 1797.

55. H.O. Corr., RH2/4/80, f.234, A. Lockhart to Duke of Hamilton, 29 August 1797.

surrender the lists and to sign a paper while the other burgesses declined to interfere on his behalf.⁵⁶

Having received these reports of opposition to the militia, the Duke of Hamilton decided to suspend the execution of the Act for the time being. In communicating his decision to the Duke of Portland, he stated:

I am sorry to say, that I find the minds of almost every person, even those the best affected to Government, of the middle and lower ranks of the Country (nay the generality of the Country) so perfectly repugnant and resolved to oppose the Execution of the Act, that I have judged it requisite for the quiet of the Country, and the good of His Majesty's Service, to direct that no other procedure be had on the Act in the County of Lanark until additional Instructions are given by Government.

In fact, he further explained, it was impossible to continue the execution of the Act because some of the schoolmasters had been intimidated from making up lists by threats of violence, others had had their lists seized while Deputy Lieutenants had been everywhere forced to sign obligations not to execute the Act. The number of troops available was insufficient to counteract the other disadvantages and therefore he had decided to suspend the Act.⁵⁷ On 30 August the inhabitants of the parish of New Monkland met to thank Hamilton for his action, as well as to indicate their readiness to join other parishes and districts in expressing their opposition to the Militia

56. Ibid., f.232, J. Bannatyne to same, 29 August 1797. Also Edinburgh Advertiser, 22 September 1797.

57. H.O. Corr., RH2/4/80, f.230, [Duke of]Hamilton to Portland, 29 August 1797.

Act itself and in supporting any legal measures to get it suspended over the whole country.⁵⁸ The Government for its part was not at all pleased with this initiative of Hamilton's which, according to Portland, 'must encourage the deluded people to persist in their resistance to this Act', and indicated that it should be executed forthwith.⁵⁹ By 4 September, Hamilton had decided to fall into line with official orders and so wrote to Robert Dundas saying that he had ordered his Deputies to act according to the Lord Advocate's instructions, but that nevertheless, opposition continued at Strathaven.⁶⁰ Indeed, opposition to the militia continued in Lanarkshire for some time and on 12 September an anti-Militia Act resolution, made by a meeting at Shawfield Muir, was published in the Scots Chronicle.⁶¹

There were two disturbances in Dunbartonshire, one at New Kilpatrick in the main part of the county and the other at Conderrat Toll in the detached, eastern part. At New Kilpatrick, on 25 August, a crowd surrounded the schoolmaster's house and then rushed in to find he was not there. They seized the parish list and the session book, before forcing his wife to swear that there were no further relevant documents in the house. Later in the day, after the schoolmaster's family had been forced to flee their house because it was subjected to volleys of stones, a large crowd in the village of New Kilpatrick by their mere presence made the Deputy Lieutenants adjourn the district meeting.

58. Scots Chronicle, 1 September 1797

59. H.O. Corr., RH2/4/221, p.300, Portland to Hamilton, 3 September 1797.

60. H.O. Corr., RH2/4/81, f.65, Hamilton to R. Dundas, 4 September 1797.

61. Scots Chronicle, 12 September, 1797, Resolutions of the Parishes of Old and New Monkland and Shotts.

With some difficulty they made their escape to Garscube House, from which aid was summoned. This arrived in the shape of the Volunteer Light Horse who managed to disperse the crowd at New Kilpatrick and arrest several people. It was reported later that half the crowd had been strangers, mostly Irish, but that they had escaped before they could be arrested.⁶² The Conderrat disturbance, also on 25 August, seems to have involved groups from both Kirkintilloch and Cumbernauld and numbers may have been as high as 'some thousands',⁶³ but reliable details are not available.

On 25 August there was also a riot at Kirkpatrick Fleming in Dumfriesshire where the district meeting, held in the Schoolhouse, was disrupted when a crowd burst in, destroyed the parish lists and the minutes of the meeting and forced the Deputies to sign the by now customary bond promising not to aid or assist in the further execution of the Act, all the time, in the words of the later indictment 'uttering speeches the most Seditious and even Treasonable'.⁶⁴ After this, Dumfriesshire continued to suffer unrest, particularly in the area round Dumfries itself, including the parishes of Dunscore, Holyrood and Caerlaverock. Several of the Deputy Lieutenants had apparently indicated to the people their intention to have no further part in the Act's execution even before any popular pressure had been exerted on them. By 27 August all the meetings in Dumfriesshire, and many of those

62. H.O. Corr., RH2/4/80, f.194v., Ilay Campbell to R. Dundas, 26 August 1797; JC26/266, Ind. against Mason, et al., 21 September 1797; Glasgow Courier, 26 August 1797.

63. H.O. Corr., RH2/4/80, f.216, Lapslie to R. Dundas, 28 August 1797.

64. JC3/49, Books of Adjournal, Ind. against Cron, et al., 24 October, 1797.

in Galloway, had been postponed. The Provost of Dumfries, reporting this, believed it was impossible to enforce the Act 'because the spirit of opposition and resentment seems so strong against it, that neither Schoolmasters nor other officer will be found hardy enough to return the lists requisite' - and, he further pointed out, why should the Schoolmaster, on whom there was no compulsion, risk his life to do so?⁶⁵ There was a riot at Dunscore on the 28 August⁶⁶ and on the 31st a detachment of the Lancaster Fencible Cavalry with some difficulty dispersed a crowd at Boreland of Dryse.⁶⁷ Further West, in Wigtownshire, a large crowd invaded the Court House of the county town, calling out against the militia and saying that it was contrary to the Constitution. They took possession of the papers and lists of the district meeting being held there. In this instance military assistance was at hand, drawn up outside the Court House, but by the time the Deputies decided that things had got sufficiently out of hand to call for military help, they were cooped up inside the building and unable to communicate with the troops.⁶⁸

Disturbances broke out in Ayrshire on 26 August when a crowd of about sixty from the village of Beith, 'the mother of all mischief', marched to Dalry to stop the execution of the Act there. When they arrived guards were placed on routes into the town and in different parts of it and then a Tree of Liberty, the symbol of freedom and

65. H.O. Corr., RH2/4/80, f.236, David Staig to R. Dundas, 27 August 1797.

66. Edinburgh Advertiser, 15 September 1797.

67. Ibid., 5 September 1797.

68. JC3/49, Books of Adjournal, Thos. Carnoch against H.M. Advocate 28 June 1798. H.O. Corr., RH2/4/80, f.208, Wm. McMillan to Maj. Dalrymple, 27 August 1797.

democracy, was carried in procession by the crowd and planted in the centre of the town. The Deputy Lieutenants did not remain to watch but beat a hasty retreat, without which, in the opinion of the Earl of Eglinton, the Lord Lieutenant, 'there is great reason to believe the consequences would have been fatal to some of them, if not the whole ...'⁶⁹ The Galston, Newmills and Stewarton area was also reported to be similarly disaffected though there were no disturbances apart from the planting of another Tree of Liberty at Galston when the first district meeting had been held.⁷⁰ When the meeting met again the Deputies were surrounded by a large number of people who demanded that they should tell the Lord Advocate how disagreeable they found the Act. This the Deputies promised to do, and did, telling him that 'the measure of raising a Militia is contrary to the wishes of the people of the parish of Galston'.⁷¹ A disturbance was also reported at Ochiltree on 30 August and at New Cumnock a crowd of local people, after discussing the question of the militia, went and dragged the schoolmaster from his house, ducked him in the river, then quietly went home.⁷²

On the other side of the country, in East Lothian, more outbreaks of popular disturbance occurred. It was reported that there had been a riot at Gifford on 27 August and that there were to be more at Haddington and Dunbar on the 28th or 29th.⁷³ The Haddington and Dunbar meetings apparently went off peacefully⁷⁴ but on the 29th at

69. Ibid., f.200, Earl of Eglinton to Portland, 27 August 1797.

70. Ibid., f.200v.

71. H.O. Corr., RH2/4/81, f.67, W. Cunningham, T. Walker, and W. Hamilton, Dep. Lts., to R. Dundas, 2 September 1797.

72. Scots Chronicle, 12 September 1797; H.O. Corr., RH2/4/81, f.72, Eglinton to R. Dundas, 4 September 1797.

73. H.O. Corr., RH2/4/80, f.224, R. Hay to Geo. Buchanan of Kelloe, 28 August 1797.

74. Edinburgh Advertiser, 1 September 1797.

Gifford a large crowd assembled and sent a petition against the Act to the Lord Lieutenant who replied that he could do nothing about it that day, on which the crowd dispersed.⁷⁵ A much more serious disturbance took place that day at Tranent.⁷⁶ The day prior to the district meeting there a crowd had paraded through the streets of Tranent, Meadowmill, Seton, Cockenzie and Prestonpans, calling out 'No Militia!' and encouraging everyone to come to Tranent on the 29th to oppose the execution of the Act. It was also understood that messages had passed from colliery to colliery summoning the people to attend at Tranent.⁷⁷ Thus forewarned the Deputies called for military assistance and with an escort of dragoons proceeded the next day to Tranent. A crowd of three or four hundred soon gathered, stoning the Inn where the meeting was taking place and the soldiers who were trying to keep them back. When the guard at the Inn was forced to retreat under this attack, an attempt was made to clear the street but the crowd just melted away before the cavalry's charges, some of the crowd taking to the rooftops and assailing the troops from there with stones removed from the chimneys. The military response to the situation was to send a platoon of dragoons to the back of the houses and attempt to shoot these people off the roofs.⁷⁸ The use of firearms almost immediately transformed the situation, causing confusion among the crowd. When they realised that live ammunition was being used and that several people had been shot dead, the crowd began to disperse, many taking to the surrounding

75. Scots Chronicle, 1 September 1797

76. For more details see K.J. Logue, 'The Tranent Militia Riot of 1797', Trans. of the East Lothian Antiquarian and Field Naturalists' Society, xiv, 1974.

77. H.O. Corr., RH2/4/81, f.105v., Report of the Dep. Lts. to Marquis of Tweeddale, Id. Lt., 8 September 1797.

78. Ibid., ff. 17-18, Anon. [possibly Capt. David Finlay of Cinque Ports Cavalry] to Gordon, 31 August 1797.

fields to escape. For a few this proved a fatal mistake since the dragoons were much more effective in the open countryside. It is not clear whether they acted on or against orders but groups of them pursued the people through the standing corn where seven were cut down and killed; several of those were certainly innocent of any part of the preceding disturbance and even the authorities admitted that two of them could not have been and were not involved.⁷⁹ In all, twelve people were certainly killed by troops that day,⁸⁰ while some claimed that more bodies were discovered when the corn was cut.⁸¹

Opposition to the militia was also manifested in Fife and Kinross when, on 21 August, 'representatives from the different parishes of the counties of Fife and Kinross' met at Falkland to consider the Militia Act. It was decided that, since they understood the King had power under the Act to suspend its execution, he should be petitioned and asked to do so. They felt that the appropriate channel for such a petition was the Lord Lieutenant, the King's representative in Fife, who would be asked to forward it to London on their behalf. Before the meeting broke up the parish representatives thanked the two Deputy Lieutenants who were in fact there to keep an eye on developments, for their attendance. It was also agreed that the resolutions of the meeting should be published in the Edinburgh newspapers but only the Scots Chronicle, which was hostile to the

79. H.O. Corr., RH2/4/82, f.267v., R. Dundas to Portland, 26 December 1797.

80. HMC 72, Laing MSS, ii, 619-20, Hugh Cunningham to Tweeddale, 2 September 1797. Another man later died of his wounds.

81. Scots Chronicle, 1 September 1797.

Government, actually did so.⁸² Some time before 26 August a disturbance occurred at Leuchars⁸³ and before the 28th it seems that the Auchtermuchty list had been seized by the people there.⁸⁴ Later, disturbances occurred in the parish of Markinch on 29 August when a crowd of up to a thousand people compelled John Balfour of Balbirnie, one of the Deputy Lieutenants, to give up the parish list, forced him to sign the normal obligation and then went on to get similar signatures from the other Deputies.⁸⁵ The next day about two hundred people assembled at Pathhead and took the parish list from the schoolmaster before making their way along the sands to Abbotshall where they met an equal number of Linktown. Together they got possession of the Abbotshall list and set off towards the house of Mr Ferguson of Raith, one of the Deputy Lieutenants. The Kirkcaldy Volunteers got wind of this and, with a detachment of regulars from the 16th Regiment, also headed for Raith House. Ferguson, presented with a paper to sign in the usual form, refused to do so and remonstrated with the people on the 'irregularity of their conduct'. The people withdrew before the military force arrived and three days later the district meeting at Kirkcaldy passed off peacefully.⁸⁶ By 6 September the Deputy Lieutenants could report some progress in getting the lists.⁸⁷ Opposition had not, however, ceased. Intimation was made throughout the county, following the earlier Falkland meeting, that all the parishes were to choose two delegates each to meet on 8 September at Freuchie

82. Ibid., 25 August 1797.

83. Ibid., 1 September 1797.

84. JC26/292, H.M. Advocate v. Christie, et al., Decl. of John Christie, 12 September 1797.

85. Ibid., Ind. against Christie, et al., 19 October 1797.

86. Edinburgh Advertiser, 15 September 1797.

87. H.O. Corr., RH2/4/81, f.101, Earl of Crawford to R. Dundas, 8 September 1797.

to discuss the Militia Act and petition the King on the subject. The Sheriff, Lord Lieutenant and Deputy Lieutenants, having heard about it, met some two miles from the village with a party of cavalry but when it became clear that there was no large crowd the Sheriff, Claud Boswell, and two of the Deputies went to speak to the thirty or so delegates. They warned those assembled, who explained that they had taken care to avoid gathering a large crowd, that their meeting was none the less illegal but permitted them to draw up their petition.⁸⁸ The meeting went on to announce their unanimous disapproval of the Militia Act and recommended those who shared their view to discourage riot and tumult but to petition the King. They themselves, having already petitioned the King, decided to petition the 'Noblemen and Gentlemen' of Fife at their next meeting, appointing a committee of eight to prepare that petition.⁸⁹ Despite the admitted peacefulness of this incident Boswell thought it necessary to warn the Lord Advocate of the danger 'from the System that appears to be adopted of Connecting the whole Country by means of delegates - this with great submission ought certainly to be put a stop to'.⁹⁰

North of the Tay opposition to the militia was soon evident. At Newtyle and at Monifieth in Angus the people forced the schoolmaster to deliver up or destroy the lists.⁹¹ On 24 August, when two Deputy Lieutenants and the Sheriff-Substitute were on their way to execute the

88. Ibid., ff.97-98v., Claud Boswell to R. Dundas, 8 September 1797.

89. Scots Chronicle, 8 September 1797.

90. H.O. Corr., RH2/4/81, f.98v., Boswell to R. Dundas, 8 September 1797.

91. Scots Chronicle, 1 September 1797.

the Act at West Haven, they were met on Barry Links by a crowd of young men and women who forced them to dismount, hand over the lists and other papers relating to the Act before getting them to sign a paper and sending them back the way they had come.⁹² In Perthshire the Duke of Atholl, as Lord Lieutenant, reported on 29 August that the execution of the Act was not progressing as he might have wished. Some of the schoolmasters were intimidated and refused to act, those in the Carse of Gowrie and in other areas 'will rather throw up their schools than act'. In the town of Perth the constables similarly refused to act, 'Not from any disaffection to Government, But from dreads of threats being carried into execution of maltreatment'. Misrepresentation of the act was responsible, he asserted, and his conclusion, like Hamilton's, was that the execution should be delayed until the Act could be more fully explained. He questioned whether in fact good legislation, like the Militia Act, for the benefit of the country should be enforced by military strength rather than be careful explanation.⁹³ A few days after this, on 28 August, a crowd at Alyth forced the schoolmaster to surrender the list and later the people went off to Rattray where they forced the schoolmaster there to tear up his list in front of them. The next day many hundreds of people marched, to the sound of the Alyth and Rattray church bells, to Blairgowrie where the district meeting was to be held. Colonel Allan McPherson, one of the Deputies, decided to abandon the meeting and, going to Blairgowrie

92. Ibid.

93. H.O. Corr., RH2/4/80, ff.240-241, [Duke of] Atholl to R. Dundas, 19 August 1797.

to tell the people, found a large and growing crowd declaring their intention to resist the Act to the utmost. They insisted that McPherson receive a petition against the act and then left him and a few other Deputies who had accompanied him out on the street in the pouring rain until they agreed to sign bonds promising no further part in the execution of the Act.⁹⁴ On the same day a meeting at Crieff expressed its disapproval of the Militia Act and its intention of petitioning the King against it, while abhorring 'the maltreatment of poor Schoolmasters, who had no vote in making the said Act more than those who are affected by it'.⁹⁵ Similar sentiments were expressed at a meeting of the inhabitants of Madderty on 31 August.⁹⁶ As we have seen this was a view which did not have very much popular support.

Among the crowd at Blairgowrie on 29 August there were some 'Highland People about Kirkmichael'.⁹⁷ This was one of the first indications that opinion in the Highland area might coincide with much of the Lowland opinion. This was confirmed the following day when a crowd from the Grandtully area, on the south bank of the Tay, forced the schoolmaster of Dull and his brother to accompany them to Aberfeldy, and having got the parish list from them, imprisoned them both in Anderson's Inn there until they agreed to sign undertakings not to take further part in the execution of the Act. They took the list

94. JC26/295, Indictment against Murray and Stewart 5 May, 1798.

95. Scots Chronicle, 8 September 1797.

96. Ibid.

97. JC26/295, H.M. Advocate v. Farquharson, et al., Decl. of Peter Farquharson, 7 October 1797.

to the minister of the parish who was obliged to destroy it but who refused to give up the Session Books as demanded because no one would come forward from the crowd to accept responsibility for them.⁹⁸ On Saturday 2 September a small crowd went to the house of John Stewart of Balnakeilly on the east bank of the Tummel and there demanded his signature to the usual obligation.⁹⁹ Further north a similar demand was made of Henry Batten of Faskally by a crowd of several hundreds led by a piper. Despite his attempt to explain the Act in English and Gaelic they continued to insist on his signature, so he wrote out a paper himself, indicating in it that he did so under duress, and this was accepted.¹⁰⁰ This was, however, only the prelude. At Weem, on Sunday 3 September, the parish list was torn down from the church door almost before it had been stuck up.¹⁰¹ At Blair Atholl, the Duke was visited by a mob demanding his signature on a bond and he gave his word he would take no further steps 'until the sense of the Country could be taken'. This was not enough and eventually, to avoid bloodshed he said, he put his signature to a paper.¹⁰² At Foss, near Loch Tummel in the north of the parish of Dull, a crowd tried to force the Society Schoolmaster out of his bed to join them, but he

98. AD14/25/127, Strathtay Precognition, Decl. of Rev. Archibald Menzies, minister of Dull, 27 September 1797 and Decl. of Alex McGregor, schoolmaster at Dull, 28 September 1797. In precognition preserved in Lord Advocate's Papers, 1825, see below, note 137.

99. Ibid., Decl. of John Stewart of Balnakeilly, 19 September 1797. The river is usually referred to as the 'Tumble', but I use the modern spelling.

100. Ibid., Decl. of H. Batten of Faskally, 3 October 1797.

101. Ibid., Decl. of John Robertson, schoolmaster at Weem, 14 September 1797.

102. H.O. Corr., RH2/4/81, f.44, Atholl to R. Dundas, 3 September 1797. AD14/25/127, Decl. of Capt. R. Stewart, 23 September 1797.

claimed he was not fit enough to do so and they accepted this. ¹⁰³

This incident took place late on Sunday night and marked the beginning of a day of crowd activity in Strathhtay.

Leaving the schoolmaster behind, the people of Foss headed south to Strathhtay where they joined people from other parts of the parishes of Dull and Weem. At Weem itself they were joined by Angus Cameron, a Lochaber man employed by a Glasgow company to build a factory and houses in Aberfeldy, who had been lodging with James Menzies and his mother at Weem for some years and who was a noted 'Democrat'. ¹⁰⁴

The crowd surrounded the manse of the Rev. Mr James MacDiarmid and compelled him to accompany them to Castle Menzies, the house of Sir John Menzies, one of the Deputy Lieutenants for the district, which they reached early in the forenoon of 4 September. They then spent much of the morning and the early afternoon trying to extract obligations from Sir John Menzies and others of the local gentry, some of whom had been brought from their own houses by the local people. Contingents of people arrived at Castle Menzies all the time from the more distant parts of Strathhtay. At first they stayed outside the gates of the park which surrounded the house but early in the afternoon the crowd, swollen by then to between fifteen hundred and two thousand, pushed at the gates until they were opened and then approached and surrounded the main door of the house. They clamoured for the repeal of the Militia Act and eventually Menzies agreed to sign the usual bond not to take any further part in the Act's execution.

103. Ibid., Decl. of J. Forbes, Society schoolmaster at Foss, 28 September 1797. The Society was the S.S.P.C.K.

104. Ibid., Decl. of Robert Menzies, tenant in Ruskelly, 13 October 1797.

When the crowd withdrew it was only as far as the park gates on one of the pillars of which Angus Cameron stood and addressed the crowd. It is not clear what he said to them but he spent quite a time doing it and when he finished he asked them to raise their right hands and swear to be true to each other in their opposition to the militia. ¹⁰⁵

The crowd then set off for the house of Balfracks where they forced Alexander Menzies to sign the paper subscribed at Castle Menzies. Dr William Menzies, his son, was dragged off by some of the people until he agreed to sign also, with a qualification that he could act if ordered to do so as a medical officer in the army. Moving eastwards along the north bank of the Tay, according to some reports with Cameron on horseback at their head, the crowd next went to Ballechin which they reached after dark. Earlier in the evening, about six p.m., a crowd had come there, forcing Hope Stewart, one of the Deputies, and several others present to sign a bond, but this was not enough for the people from Castle Menzies. While Cameron himself went off to Boat of Tummel to meet a crowd expected to come over from the Atholl side of the river, the rest of the people descended on Ballechin house in the dark. They demanded Stewart's signature to the Castle Menzies bond and eventually he and the others in the house reluctantly complied with their wishes. As Stewart was going back inside the house after putting his name to the bond the crowd pressed forward and a few of them rushed into the house, jostled him about and were only with difficulty ejected by two of the servants. The

105. Ibid., Decls. of Sir John Menzies, 3 October 1797, and John Robertson, 14 September 1797.
JC3/49, Books of Adjournal, Ind. against Cameron and Menzies, 15 January 1798.

crowd remained outside for some time, calling out against the militia and against Stewart who they claimed 'had not been a good friend to the country by his conduct respecting it'.¹⁰⁶ Meanwhile, Cameron, who had returned from Boat of Tummel with the Tullimet and Atholl people, went to Pitnacree where the Ballechin crowd joined them. Dr Thomas Bisset, minister of Logierait, and Major Alexander MacClashan, who had been roused from their homes by part of the crowd, were there obliged to sign the Castle Menzies bond. Angus Cameron then again addressed the crowd, exhorting them to be faithful to the cause and then asking those who had not already done so to swear to be true to one another.¹⁰⁷

That night many of the people from Tullimet and Atholl stayed at Boat of Tummel on the Logierait, or west, bank of the river, drinking and dancing. During the night a collection was made to pay for a stamp to put on a copy of the Castle Menzies paper; the copy was made later by Robert McLaren a private schoolmaster at Ballychandy.¹⁰⁸ On the morning of 5 September this crowd crossed over to the east bank of the river and, as had been done the previous day, marched on the houses of the local gentry, forcing Henry Balneavie of Edradour and Alexander Ferguson of Ballyouken to sign their copy of the Castle Menzies bond. Their next call was on the Rev. Mr Alexander Stewart, minister of Mouline, whom they took along with them to the house of Balnakeilly. Here they met

106. AD14/25/127, Decl. of Hope Stewart of Ballechin, 21 September 1797.

107. Ibid., Decl. of Dr Thomas Bisset, 28 September 1797.

JC/49, Books of Adjournal, Ind. against Cameron and Menzies, 15 January 1798.

108. JC26/295, H.M. Advocate v. Wm. Ballantine, et al., 4 May 1798, Decl. of Thomas Ferguson, 27 September 1797; AD14/25/127, Decl. of R. McLaren, 19 September 1797.

resistance in the form of John Stewart of Balnakeilly who refused point blank to sign the bond and continued to do so despite the possibility of personal violence and of threats to burn his house about his ears. Eventually the people, reluctant to carry through their threats, had to make do with the minister's signature.¹⁰⁹ A small crowd also went to Faskally house but were satisfied when Henry Batten produced a copy of the paper he had signed on 2 September.¹¹⁰ Farther north at Blair Atholl, the Duke, hearing of the trouble in Strathhtay and of a crowd approaching Blair, called his own tenants to defend him. Four hundred answered the call and the approaching anti-militia crowd dispersed.¹¹¹

On Thursday, 7 September, a noisy meeting was reported to have occurred in the church yard at Foss. After the sermon there a small group of men stopped all the other men from leaving the churchyard and formed a circle. The witness, Duncan McDiarmid, was called into the middle of this ring and asked to swear not to take any part in the execution of the Militia Act as Sir James Menzies and others had done. Since there was no one present who could take his oath they accepted his word as sufficient.¹¹² The meeting seems to have been an attempt by those who had been sworn by Cameron at Castle Menzies to ensure that those who had not gone to Weem were also sworn. Apart from this there was little or no activity until the weekend. Then, on Sunday 10 September, Angus Cameron addressed the people in the church

109. JC26/295, Ind. against Ballantine, et al., 4 May 1798.

110. AD14/25/127, Decl. of H. Batten of Faskally, 3 October 1797.

111. H.O. Corr., RH2/4/81, f.123., Atholl to R. Dundas, 10 September 1797

112. AD14/25/127, Decls. of John Forbes, SSPCK schoolmaster at Foss, 28 September 1797, Duncan McDiarmid, 26 September 1797, and John Kennedy, 30 September 1797.

yard at Kenmore. Speaking in Gaelic he told them that there was to be a meeting at Glenlyon House near Fortingal the next day and that fifteen or sixteen thousand people from Grandtully, Strathday, Atholl, Foss, Rannoch and Glenlyon were to attend to petition the King and Parliament for a repeal of the Militia Act.¹¹³ Cameron then left Kenmore and travelled north to Kinloch Rannoch where he repeated his attempts to ensure a large turn-out the following day at Fortingal. He told the innkeeper at Kinloch Rannoch that 'there would not be a man betwixt the foot of Loch Tumble and the head of Loch Rannoch on both sides but would turn out before the Sun set tomorrow ...'¹¹⁴ His high hopes were not realised, however; very few people turned up at Fortingal and even they soon dispersed. Three days later, with his support thus dissolved, a party of Windsor Foresters seized Cameron and James Menzies from their beds at five in the morning, after a night march through the hills from Blair Athol.¹¹⁵ Cameron and Menzies were driven off towards Perth in a post-chaise, followed by an ever increasing crowd all the way to Dunkeld. Some of the people were armed and a few of shots were fired as the chaise finally left the crowd behind.¹¹⁶ After their arrest the area was reported quiet although much of the Militia Act was still by no means acceptable.¹¹⁷

113. Ibid., Decls. of P. McLaren and E. McDougal, 26 September 1797

114. Ibid., Decl. of P. McGregor, innkeeper at Kinloch Rannoch, 30 September 1797.

115. H.O. Corr., RH2/4/81, f.151, Atholl to R. Dundas, 14 September 1797.

116. AD14/25/127, Decls. of Capt. Goldberg and Q-master Shearlock, of the Windsor Forresters, 21 September 1797.

117. H.O. Corr., RH2/4/82, f.168v., Atholl to Portland, 19 September 1797.

Opposition to the Act was not, however, over. On 6 September, the Earl of Aboyne reported that 'the people's minds in the upper part of Aberdeenshire are in such a ferment' that the Deputy Lieutenants do not know whether to press on with the execution of the Act or to delay, while Aboyne himself feared that there would be a clash if the meetings went ahead as planned on 16 September.¹¹⁸ Three days later the Sheriff-Depute of Aberdeenshire stated that he feared disturbances only in Aboyne's area, where they would be difficult to quell, and in two unspecified coastal parishes.¹¹⁹ Trouble does not seem to have materialised in the latter areas but, as feared, on Saturday 16 September opposition manifested itself on upper Deeside:

Crowds of people poured down from the hills in the remotest corner of the country, forcing every person they could find along with them, and did not disperse till after they had grossly insulted and threatened one of the Deputy Lieutenants, two parish ministers and the Schoolmaster of Braemar, whom they compelled by force to deliver up the Lists which they had made up.¹²⁰

People from four or five parishes were involved in a meeting at Pannanich, near Ballater, on 19 September, after which the unfortunate Deputy Lieutenant Gordon of Abergeldie, was again 'maltreated exceedingly'. Thereafter there were no further disturbances, despite the fact that many of the people were reported to have been armed.¹²¹ In the neighbouring

118. H.O. Corr., RH2/4/81, f.75, Earl of Aboyne to R. Dundas, 6 September 1797.

119. Ibid., f.129, Alexander Moir, Sheriff-Depute of Aberdeen, to R. Dundas, 9 September 1797.

120. H.O. Corr., RH2/4/82, f.179, Same to same, 18 September 1797.

121. Ibid.; and f.173, Earl of Fife to Portland, 19 September 1797, and f.177 Aboyne to R. Dundas 17 September 1797.

district of Invernessshire the Act was peacefully executed, but this was, according to one report, in spite of attempts by people from outside to get the people there to resist the measure.¹²² Not until 3 October could Robert Dundas tell London that Aberdeenshire was quiet and, despite a continuing 'spirit of discontent, fomented by those who are ever busy in extending it', report that 'all Disturbance, therefore, we may with certainty conclude, is over'.¹²³

A total of eighty people were later charged with mobbing and rioting, two of them also being charged with sedition as well. Of these, twenty-three failed to appear for trial and were sentenced to be outlaws and fugitives, which meant that they were always liable, if recognised, to arrest and trial and in the meantime they lost their bail money and had no 'persona' in law. For some this must have meant fleeing the country or losing themselves in the relative anonymity of the larger centres of population. The next largest group, a total of twenty-one, were found guilty. Eight were sentenced to terms of transportation; four for fourteen years, three for seven (one of whom was later granted a remission and released), and one for five years. A further nine were imprisoned for periods of between three months and two years, and four were banished from Scotland for five years each. A large group of nineteen were acquitted after they were found Not Guilty or the libels were found Not Proven. Thirteen more had the diets against them deserted pro loco et tempore by the crown when they came into court and were not

122. Edinburgh Advertiser, 26 September 1797.

123. H.O. Corr., RH2/4/82, f.200v., R. Dundas to Portland, 3 October, 1797.

called again, while at least another three though charged, were never brought into court at all. One man, John Jamieson, a weaver from Kennoway in Fife, was found dead in bed in his lodgings in Edinburgh shortly before his trial. At first it was alleged that he had poisoned himself but it transpired that he had suffocated because of the 'closeness and dampness' of the room he and his wife had taken.¹²⁴ From the circumstances of the trial which followed the unfortunate Jamieson would have been lucky to avoid transportation.

The trials began very soon after the disturbances had ended and fall roughly into two groups, those taken at the High Court, mostly in October 1797, and those taken on circuit in the Spring of 1798. In fact, however, the very first trial occurred on 21 September at the circuit court in Glasgow and is therefore out of place in either group. Five men were accused of mobbing and rioting against the Militia Act at New Kilpatrick but the crown decided to desert the diet and they were not brought to trial again.¹²⁵ The first of the High Court trials in Edinburgh involved four of those involved in the original riots at Eccles, while one failed to appear. This trial was unique for the harshness of the sentences, all four, including one woman, being sentenced to fourteen years transportation. The jury, finding them guilty, stated that they believed they had been misled by designing men and therefore made a plea for mercy.¹²⁶ For his part, however,

124. Edinburgh Advertiser , 17 and 20 October 1797.

125. JC13/30 West Circuit Minute Book, xxx, H.M. Advocate v. Mason, et al., 21 September 1797.

126. JC3/49, Books of Adjournal, H.M. Advocate v. Lillie, et al., 9 October 1797.

the presiding judge, Lord Braxfield, the Lord Justice-Clerk, thought the crimes found proven were very serious, 'approaching to nothing less than high treason, as it was an attack on the law itself and had a tendency to break the bonds of society, and to affect the dissolution of the state'. Instigation was irrelevant to the judgement but, in view of the jury's plea, he sentenced the pannels to fourteen years transportation only - instead of life.¹²⁷ This sentence even Robert Dundas later admitted was much too severe,¹²⁸ and it seems clear that it had its effect on later juries. In fact on the same day as these sentences were handed out, the trial of the Tranent rioters began, resulting in acquittals for all those who appeared.¹²⁹ Six more trials followed in quick succession. Two of those involved in the Markinch riots were sentenced to seven and five years transportation and another was sentenced to a years' imprisonment;¹³⁰ two of the Jedburgh rioters were imprisoned for two years each while the others did not appear or were acquitted.¹³¹ In December six men appeared at the High Court charged with taking part in the disturbance at Carstairs but one was found Not Guilty while the others were acquitted after the jury found them guilty only of entering Lockhart of Cleghorn's house against his wishes.¹³²

127. Herald and Chronicle, 14 October 1797.

128. H.O. Corr.; RH2/4/83, f.178v., R. Dundas to Portland, 27 April 1798.

129. JC3/49, Books of Adjournal, H.M. Advocate v. Duncan, et al., 10 October 1797.

130. JC3/49, Books of Adjournal, H.M. Advocate v. Christie and Ramsay 19 October 1797; H.M. Advocate v. Campbell and Beveridge, 20 October 1797.

131. Ibid., H.M. Advocate v. Forsyth, et al., 16 October 1797 and H.M. Advocate v. Fraser, et al., 24 October 1797.

132. Ibid., H.M. Advocate v. Somerville, 12 and 15 December 1797.

The last of the High Court trials has an air of mystery about it. Angus Cameron and James Menzies, after their dramatic arrest, were taken first to Perth and then to Edinburgh. The Lord Advocate's immediate reaction was to charge both with treason and he may have done so.¹³³ By the time they came to trial on 15 January, this had been reduced to a charge of 'Sedition, mobbing and rioting'.¹³⁴ After the indictment had been read and the debate on the relevancy of the libel had been heard, the case was adjourned until 17 January. Up to the trial both of the accused had been refused bail but on the 15th Cameron got bail of 600 merks.¹³⁵ On 17 January Cameron failed to appear and was outlawed and fugitated. Why the Lord Advocate and the court should suddenly, and so conveniently, change their minds about bail is open to speculation, but Cameron took full advantage of the situation and fled the country, probably to Hamburg where other British and Irish fugitives took refuge, setting up a 'Society of British and Irish Patriots'.¹³⁶ Twenty-eight years later, on 8 February 1825, Angus Cameron successfully applied to the High Court to have the sentence of outlawry lifted claiming he had not known that the Lord Advocate had intended to continue the case against him. He had been living in Glasgow for some years but now wished to stand his trial.¹³⁷ On 14 February he was admitted to bail but he was never put on trial.

133. H.O. Corr.; RH2/4/81, f.149, R. Dundas to Portland, 16 September 1797.

134. JC3/49, Books of Adjournal, H.M. Advocate v. Cameron and Menzies, 15 January 1798.

135. JC26/297, H.M. Advocate v. Cameron and Menzies, 15 January 1798.

136. H.O. Corr., RH2/4/85, f.85, William Wickham to R. Dundas, 4 February 1799.

137. AD14/25/127, Petition of Angus Cameron, 8 February 1825. The investigation in 1825 caused by this petition rescued the original 1797 precognition into the Strathtay riots from oblivion and almost certain destruction in the Perth Sherrif-Clerk's office.

More trials were held during the Spring Circuit of 1798, at Ayr, Dumfries and Perth. At Dumfries the diet against the New Galloway rioters was deserted by the crown and never taken up again.¹³⁸ Of the Wigtown rioters who were charged at the Ayr circuit court only one appeared for trial and the Advocate-Depute decided not to insist on the libel against him, while the other three were outlawed.¹³⁹ On the North Circuit at Perth four trials were scheduled against several of those involved in the Strathgry col disturbances and three against the Blairgowrie rioters. On 3 May, both of those on the first indictment failed to appear and were outlawed.¹⁴⁰ In the trial immediately following, however, all four accused were found guilty of mobbing and rioting and James Menzies, who had previously appeared with Angus Cameron, was sentenced to seven years transportation, as was another of the accused, but his sentence was later remitted and he was released. Of the other two, one was banished for five years and the other was imprisoned for three months.¹⁴¹ The following day five more men were found guilty, three being banished for five years and two being sentenced to a year's imprisonment each, while two more were outlawed.¹⁴² Nine people were charged with being concerned in the Blairgowrie disturbance, of whom two did not appear, three were never brought to trial, one was acquitted and three were found guilty and sentenced to

138. JC12/22, South Circuit Minute Book, xxii, H.M. Advocate v. Irvine et al., 16 April 1798.

139. Ibid., H.M. Advocate v. McHaffie, et al., 21 April 1798.

140. JC11/43, North Circuit Minute Book, xli, H.M. Advocate v. Stewart and Stewart, 3 May 1798.

141. Ibid., H.M. Advocate v. McLaggan, et al., 3 May 1798; JC26/296, Remission for Stewart, 8 June 1798, and release, 17 July 1798.

142. JC11/43, North Circuit Minute Book, xli, H.M. Advocate v. Ballantine, et al., and H.M. Advocate v. Scrymgeour et al., 4 May 1798.

to one year in prison. ¹⁴³

On the whole the trials cannot be described as harsh or oppressive, although there were cases of very severe sentencing. Juries generally seem to have been fair, sometimes influenced against conviction by some of the transportation sentences and apparently not inclined to convict against the evidence, although one's knowledge of the actual evidence presented at the trial is admittedly limited usually to the previous declarations of the accused. The authorities seem to have had difficulties assembling evidence and witnesses in some cases and had to desert them in court, although there could conceivably be unknown political decisions behind some of these. The trials marked the end of the 1797 anti-militia disturbances. The government, in bringing so many people to trial so swiftly, had shown that it would brook no popular opposition and that it could act against those prepared to engage in direct action.

3. The Reasons

Before discussing why people opposed the Militia Act, one may ask what they believed their active and sometimes violent opposition was going to achieve in practical terms. At the simplest level it was believed that if they destroyed the lists and got the Deputies to promise not to have any part in the further execution of the Act, thus preventing new lists from being made up, then the militia could never materialise. James Ramsay, a young man from Markinch, thought the

143. Ibid., H.M. Advocate v. Farquharson, et al., and H.M. Advocate v. Murray, et al., 5 May 1798; JC26/292, H.M. Advocate v. Young, et al., n.d.

object of seizing the lists and getting the gentry to sign papers was simply 'to stop the Militia going on'.¹⁴⁴ In contrast another of those involved at Markinch thought these methods were the only means the people could use 'in order to stop the Militia Act until they should Petition the King'.¹⁴⁵ An idea similar to the latter was expressed by James Steel who was charged with taking part in the Bathgate riot and who understood that the purpose of the meeting on Bathgate Muir was

that as the act bestowed upon his Majesty a power of repealing it or suspending the execution therefore the unanimous voice of the people expressed against it might move his Majesty to use that power.¹⁴⁶

The belief that the King might exercise his powers to suspend the Militia Act was not confined to those involved only in direct action against the militia. Several petitions were published by meetings opposed to the Militia Act, as we have seen, and this point was emphasised by all of them: the King had power to suspend the execution of the Act and if he knew how upset everyone was about it he would exercise that power.¹⁴⁷ This approach combined a traditional belief in the King's attachment to the ordinary people and a practical, if somewhat naive, desire to avoid accusations of seditious activity. In general, most people seemed to believe in the more basic concept that

144. JC26/292, H.M. Advocate v. Christie, et al., Decl. of J. Ramsay, 12 September 1797.

145. Ibid., Decl. of J. Jameson, 8 September 1797.

146. JC26/292, H.M. Advocate v. Forsyth, et al., Decl. of J. Steel, 12 September 1797.

147. Scots Chronicle, 25 August 1797 (Falkland), 1 September (New Monkland), 8 September (Crieff and Madderty), 12 September (Freuchie, and Old and New Monkland and Shotts), 19 September (Denny).

if the Act was not executed then the militia could not be introduced.

As a preliminary to the problem of explaining people's opposition to the Militia Act, it is useful to see how some of those involved explained, not their opposition to the Act, but their presence in a mob which was violently opposing it. John Nicolson, a farm servant arrested after the Tranent riot, said simply that 'his name was upon the Humble Kirk Porch upon Sunday as within the age of the Statute and he came to Tranent on the Tuesday as he understood the order upon the said Church required him to appear'.¹⁴⁸ Another of those involved there said that he went 'in order to see the Mob' which he heard was going to take place,¹⁴⁹ while yet another said he went because he was over the allotted age, a fact he proved by producing a certificate of his birth.¹⁵⁰ A farm servant from the Blairgowrie area similarly took his certificate with him;¹⁵¹ being over the age required was obviously a frequent and no doubt valid explanation. Of those charged after the Bathgate disturbance, one said that he was on the Muir on business, another went out of curiosity, a third went because he had two sons on the list, while a fourth made no attempt to explain his presence.¹⁵² The presence of sons on the list was a fairly

148. JC26/292, H.M. Advocate v. Duncan, et al., Decl. of J. Nicolson, 1 September 1797.

149. Ibid., Decl. of N. Riedpath, 1 September 1797.

150. Ibid., Decl. of R. Mitchell, 1 September 1797.

151. JC26/295, H.M. Advocate v. Farquharson, et al., Decl. of D. McKenzie, 27 October 1797.

152. JC26/292, H.M. Advocate v. Forsyth, et al., Decls. of D. Alexander, 7 September 1797; R. Purdie, 12 September 1797; J. Forsyth, 12 September 1797; and J. Steel, 2 September 1797.

frequent explanation for a man's presence in a mob, sometimes the father saying that he only went to look after his son; at Blairgowrie one father said that he 'followed him up and down through the crowd to take care of him'. ¹⁵³ One of those charged with taking part in the Markinch riots explained that he had been summoned to a meeting at Markinch and he had gone because he had a son on the list. ¹⁵⁴ While men may not have gone to the district meetings physically to protect their sons, many clearly felt that the fact that they were on the lists was sufficient excuse for their presence among those opposing the militia. Some claimed that they were forced out by the crowd, like a farm servant involved at Jedburgh who went there 'from having been forced by a number of people from his Master's house' ¹⁵⁵ or a tailor in Alyth who was forced away from his work by a crowd of about sixty people. ¹⁵⁶ A shoemaker in Wigtown went to the meeting 'in consequence of a Report which prevailed in Wigtown that he had given a present of some shoes to the Schoolmaster not to insert his Brother's name in the list for Wigtown'. ¹⁵⁷ No-one claimed they were drunk at the time except a baker from Blairgowrie who said he attended the meeting because

153. JC26/295, H.M. Advocate v. Murray and Stewart, Decl. of D. Stewart, 9 October 1797.

154. JC26/292, H.M. Advocate v. Christie and Ramsay, Decl. of J. Christie, 12 September 1797.

155. *Ibid.*, H.M. Advocate v. Fraser, *et al.*, Decl. of R. Fraser, 25 August 1797.

156. JC26/295, H.M. Advocate v. Farquharson, *et al.*, Decl. of J. Niven, 12 October 1797.

157. JC26/295, H.M. Advocate v. McTaggart and Carnochan, Decl. of T. Carnochan, 25 September 1797.

'he was flustered and his Mind carried out of its ordinary line of conduct'.¹⁵⁸

These explanations were obviously often made to avoid prosecution for mobbing and rioting and in so far as they have survived only as part of a criminal process they were unsuccessful. They should not, however, be dismissed as irrelevant to the problem since either they are true accounts of how these people became involved in the disturbance or they are not true but were seen by those giving them as valid reasons for their presence, reasons which might also be regarded by the authorities as valid. However, explanations of how some people became involved in the disturbances only go a short way to explaining why they and others became involved in opposition to the militia. In a situation where so much energy was expended in opposing the execution of an Act of Parliament, one must assume that very many people were opposed to that Act or at least, to beg the question slightly, were opposed to that Act as they understood it or it was presented to them. One must then ask how people explained their opposition to the Militia Act and, since those whose opinions we are aware of were by and large involved in opposing it by direct action, why they were involved in actively, directly and often violently opposing its execution.

James Ferguson went to New Galloway to see what was going to happen about the Militia Act and found that 'it was the general opinion

158. JC26/292, H.M. Advocate v. Young, et al., Decl. of J. Davie, 20 October 1797.

that the Militia Act was an improper thing and should not be carried into execution'.¹⁵⁹ From what we have seen this was apparently a very widespread opinion. More sophisticated reasons were, however, put forward by some people as to why they opposed the Act and its execution. Thomas Carnochan, the shoemaker from Wigtown, was accused of calling out in the Court House there 'that there should be no Militia in Scotland and that it was contrary to the Constitution'.¹⁶⁰ It was suggested at Tranent, somewhat forcibly, that the militia was contrary to the Articles of Union.¹⁶¹ There is evidence that people went further than this and objected to the war itself and to the idea that they should serve to protect the privileges of the rich who also happened to be the people who were responsible for the execution of the Act. It was the opinion of a Dumfriesshire correspondent of Henry Dundas that the people did not wish to be pressed into the militia service or to pay for substitutes to defend the property of the rich.¹⁶² An anonymous letter received by the schoolmaster of Bathgate prior to the district meeting there made the point that 'we are not going to risk our lives for them and their properts'(sic) referring to the local gentry.¹⁶³ A Deputy Lieutenant in the same area observed that the people said they 'disapproved of the war, and that it was against their consciences to fight for it'.¹⁶⁴ In the minds of those in authority these sorts of

159. JC26/294, H.M. Advocate v. Irvine, et al., Decl. of J. Ferguson, 4 October 1797.

160. JC3/49, Books of Adjournal, Ind. against Carnochan, 28 June 1798.

161. Herald and Chronicle, 14 October, 1797, Evidence of Major Wright at Tranent trial.

162. Melville Papers at Ann Arbor, Alexander Dixon to Henry Dundas, 28 August 1797.

163. JC26/292, H.M. Advocate v. Forsyth, et al., Anonymous letter.

164. Herald and Chronicle, 14 October, 1797, Evidence of Major Wright at Tranent trial.

expressions were taken as proof positive that the 'Jacobins' were behind all the trouble, a point to which we will return; if this was the case than 'Jacobinism' was widespread.

Most objections to the Act were, however, expressed in more specific terms. These were of two basic types: those based on the actual terms of the Act and those based on misapprehension of the Act created either by the climate of opinion surrounding it or misrepresentations deliberately manufactured by those opposed to the current form of Government. In the nature of things, of course, such clear distinctions do not occur. People tend to object for various interrelated and undifferentiated reasons.

The actual terms against which opposition was expressed were the age limit and the ballot. The basic, and as it turned out crucial, difference between the Scottish Act and the English Act was that, as we have seen, while in the latter those between eighteen and forty-five were liable to serve, in Scotland only those between eighteen and twenty-three were liable.¹⁶⁵ This narrower age group was probably intended to sweeten the pill. The Glasgow Courier pointed out that the age group was 'restricted to a period of life when military exercises cannot prove fatiguing',¹⁶⁶ while the Duke of Buccleuch's Address to the Inhabitants of the County of Midlothian, like other such addresses, made the point that the limitation avoided disturbing those already

165. 26 Geo III, cap. 107, s 22 and 37 Geo III cap 103, s 16 respectively.

166. 26 August 1797.

settled in life or business.¹⁶⁷ Whatever the intention of government, this age limit was regarded as a drawback since, while a smaller group was liable for service, those within that group were more liable to have to serve. Two of the Deputy Lieutenants in Dumfriesshire reported to their Lord Lieutenant that the young men concerned, and their parents, regarded it as a grievance that 'they should be liable to be carried off, while nine times the number, every way as fit for the purpose are exempted'.¹⁶⁸ This age group was a particularly active one economically. While they did not have children to support, they very often had parents who depended upon them for a crucial part of the whole family income. Thus Thomas McCoul went to the New Galloway to get his name taken off the list 'because his father and mother are both old folks and he could not well be wasted from superintending and managing their farm'.¹⁶⁹ At Tranent where women were very active in the early stages of the riot one of them reported that 'the women were complaining it was a hard thing for them to have the trouble of bringing up children to that age and then to have them taken away from them'.¹⁷⁰ A family in a coal mining area like Tranent would have felt the economic effect of losing one of its most active members very much since the extraction of coal was organised on a family basis with the young adults doing much of the heavy work at the coal face.¹⁷¹ Similarly in rural areas many activities, on farms for instance, were organised on a family basis,

167. H.O. Corr., RH2/4/81, f.3, n.d.

168. H.O. Corr., RH2/4/81, f.55v., J. Kirkpatrick and H. Veitch to Duke of Queensferry, 31 August 1797.

169. JC26/294, H.M. Advocate v. Irvine, *et al.*, Decl. of T. McCoul, n.d.

170. S.R.O. CS230/C10/12, Petition of Jas. Johnstone, p.41, Deposition of Margaret Smith.

171. T.C. Smout, A History of the Scottish People, p.440.

and the absence of one of the more active members of the group would have been felt quite strongly, especially at harvest and at ploughing time.

Before the Militia Act was passed a correspondent of Henry Dundas warned that the provision for a ballot was not a good idea - 'it is very apt to disgust'.¹⁷² And disgust it did. At Strathaven, the catechist - a lay religious teacher - commented that he did not mind the militia itself, 'provided they would arm the whole Country' and by implication avoid the necessity of a ballot.¹⁷³ While the catechist might have had ulterior motives for wishing to arm the whole country, he was not alone in expressing such sentiments against the ballot. In Dumfriesshire the people were saying that 'they will rather die a man, than be pressed for soldiers'.¹⁷⁴ The Duke of Atholl thought that 'the Ballot contained in the Militia Act is so much against the Grain of the Highlanders in this part of Perthshire that I see no hopes of its taking place'.¹⁷⁵ We have seen problems which transpired in the area for Atholl a few days after his prediction. A mason in Blairgowrie asserted that he had no objection to his son volunteering for military service, 'but if any came to force him he would Defend him'.¹⁷⁶ Opposition to the ballot was part and parcel of a more general preference for the Volunteer system and a concomitant suspicion

172. Melville Papers at Ann Arbor., Sir Wm. Pulteney to Henry Dundas, 26 February 1797.

173. H.O. Corr., RH2/4/80, f.207v., Decl. of W. Aiton, 27 August 1797.

174. Melville Papers at Ann Arbor., A. Dixon to Henry Dundas, 28 August 1797.

175. H.O. Corr., RH2/4/81, f.45v., Atholl to R. Dundas, 3 September 1797.

176. JC26/295, H.M. Advocate v. Murray and Stewart, Decl. of D. Stewart, 9 October 1797.

about the intentions of Government following their rejection of volunteers earlier in the year. In March 1797 the Duke of Portland, the Home Secretary, wrote to the Lords Lieutenant of counties which had offered to raise Volunteer corps, thanking them for their zeal and loyalty but turning them down until the 'plan for the general Defence of Scotland' had been considered.¹⁷⁷ People were naturally suspicious of the motives of the authorities in this; on the one hand they felt that the new militia must involve much more than the service normal in Volunteer corps and on the other they were ready to believe any rumours or misrepresentations about the nature of the act. Thus, during the Blairgowrie disturbances a petition from the people of Rattray was presented to one of the Deputy Lieutenants, the purport of which, according to one of those concerned, was that

the Petitioners had in April last cheerfully enrolled themselves as Volunteers but their offer had not been accepted of and it found fault with the Rejection of them and the acceptance of those at Coupar Angus and asked were not the Petitioners Men as well as those at Coupar Angus and why Drag them by the ballot after the Spirit they had shown to serve the Country, especially as they were still of the same mind.

The petition was read out and the Alyth people present assented to it as a statement of their own feelings about the situation.¹⁷⁸ Some of the people in Dumfriesshire who had had offers of voluntary service earlier rejected baulked at being 'pressed into service, and made soldiers of whether they will or will not'. What was more, as

177. eg. H.O. Corr., RH2/4/220, p.142, Portland to Duke of Gordon, 24 March 1797.

178. JC26/295, H.M. Advocate v. Farquharson, et al., Decl. of R. Dysart, 2 October 1797.

the Deputies were quick to point out in the same letter, when the people asked why, they could not give them a satisfactory answer.¹⁷⁹ Such a failure could only increase suspicions and confusion.

Antipathy to the idea of being pressed into military service continued after 1797 and was the cause of a militia riot at Pitcaple in Aberdeenshire in 1809. Under recent legislation local militia units had been set up on principles similar to the ordinary militia but in which service was restricted to the county concerned and the time spent on duty was much less.¹⁸⁰ There was provision for each parish to supply a number of volunteers equal to the number of militia men required. In the Pitcaple district through some error more volunteers were requested than could be accommodated in the quota and it was decided that a ballot should be held among those who had volunteered in order to arrive at the proper number. When this was announced to those who, on 15 June 1809, had come to Pitcaple as volunteers, they reacted with great hostility, calling out that they would not have a ballot and that 'all would go or none'. They were upset firstly and predominantly that there was to be a ballot at all and secondly that if there was going to be a ballot that it should include only those who had volunteered and not those who had failed to do so in the first place. Part of the crowd burst into the room in the Inn where the Deputies were meeting, clamouring against the idea of a ballot and treating the Deputies with something less than the respect to which

179. H.O. Corr., RH2/4/81, f.55v., Kirkpatrick and Veitch to Duke of Queensberry, 31 August 1797.

180. 48 Geo III, cap. 150 and 49, Geo III, cap. 48.

they were accustomed; one of the crowd was accused of addressing one of the Deputy Lieutenants with his hat on 'although he and the other Deputy Lieutenants had their hats off'! Eventually after the Deputy Lieutenants had been forced to leave the Inn and had been prevented from addressing the crowd outside, they left Pitcaple amid showers of insults and abuse.¹⁸¹ Here was an apparently isolated outbreak of anti-militia activity caused purely and simply by the introduction into an otherwise peaceful situation of the ballot. This would tend to confirm the idea that the ballot and its associations with being forced into military service were among the most important reasons for popular hostility to the Militia Act.

The attachment exhibited by so many people to the idea of voluntary military service and the hostility created by the ballot was evidently caused on many occasions by misrepresentations of the Act and the militia which circulated either randomly or by some people's deliberate efforts. A weaver involved in the Strathtay disturbances said that he had heard that 'as soon as people's names were put on the Church doors they might be sent to the East Indies or out of the Country', but he did not know from whom he had heard it.¹⁸² At Blairgowrie one man reported that rumour had it that the militia men were to be sold as slaves¹⁸³ and similar rumours were believed in Stirlingshire.¹⁸⁴ William Aiton, a

181. JC26/340, Ind. against Alex Mitchell, et al., 22 September, 1809.

182. JC26/295, H.M. Advocate v. Ballantine, et al., 2nd Decl. of T. Ferguson, 28 September 1797.

183. Ibid., H.M. Advocate v. Farquharson, et al., Decl. of D. McKenzie, 27 October 1797

184. H.O. Corr., RH2/4/80, f.152., Montrose to Portland, 23 August, 1797.

solicitor in Strathaven, said he made great efforts to contradict

the misrepresentations that had been made, that the young men whose names were taken up, were all to be sent as Soldiers, and drafted into Regiments for the East or West Indies. 185

Misrepresentations like this were widespread and in Dumfriesshire it was believed that the militia men would similarly be sent to the East or West Indies. People there believed

that the Militia Act is made use of as a Pretence, a Trap. And in their present Temper of mind, tho' an Angel were to come down from Heaven, he would not be able to persuade them to the contrary. 186

In Kirkcudbright, it was seen as a 'scheme to take the young men out of the Country and draft them into old Regiments or put them on board some of the Ships of War'. 187 Such beliefs seem to have been common all over the country and must account for some of the opposition to the Act. How these beliefs arose is another question.

James Steel, who has been already mentioned in connection with the Bathgate disturbances, was referred to in the area as 'Citizen Steel'. 188 As far as the Government was concerned this was the whole explanation

185. Ibid., f.202v., Decl. of W. Aiton, 27 August 1797.

186. H.O. Corr., RH2/4/81, f.55., Kirkpatrick and Veitch to Queensberry, 31 August 1797.

187. JC26/294, H.M. Advocate v. Irvine, et al., Decl. of J. Irvine, n.d.

188. Edinburgh Advertiser, 20 October 1797, and Herald and Chronicle, 19 October 1797, Evidence of T. Johnston in Bathgate trial.

of the misrepresentations and of the disturbances; they were inspired, fomented and encouraged by the Jacobins. 'From the Symptoms of Resistance appearing at Places considerably remote from each other there cannot be a doubt that it is the operation of Jacobin Emissaries employed for the purpose', wrote Henry Dundas.¹⁸⁹ From almost every affected area the explanation offered was either that the Jacobins were behind it or that the people themselves were already infected by 'French principles'. From the Borders it was reported that 'the Militia business is but a pretext, for it is clear by the Jedburgh and Selkirk riots it is the Gentlemen they want to destroy according to the French plan'.¹⁹⁰ The Rev. Mr Lapslie, dedicated anti-Jacobin and minister of Campsie, wished to show that the Militia Act was a 'mere handle' on the part of the dissaffected to stir up the people to gain their own ends. While the Act was in Parliament the well affected thought it was a good thing that Scotland should at least have a militia like England but towards the end of July, he reported, 'I began to perceive some of the old Jacobin Societies using every effort to alarm the farmers and the Country people with misrepresentations about the wording of the Act'. Matters then escalated until disturbances took place in the area and Lapslie himself had his outhouses burnt to the ground.¹⁹¹ Later, the Duke of Montrose complained that 'the set of men who were active with Muir etc.' were very active in trying to stir up dissaffection.¹⁹² Similarly, it was claimed by many of the local authorities that the

189. H.O. Corr., RH2/4/80, f.187v., Henry Dundas to Portland, 27 August 1797.

190. Ibid., ff.224v.-225, Robert Hay to George Buchanan of Kelloe, 28 Aug

191. Ibid., f.216ff., Rev. Jas. Lapslie to R. Dundas, 28 August 1797.

192. Ibid., f.78, Montrose to Portland, 7 September 1797.

disturbances in their areas were caused by emissaries from the disaffected from other disturbed areas. It was claimed that the disturbances in Aberdeenshire were instigated by some 'turbulent spirits from the West Highlands', ¹⁹³ although one might have expected such instigation to have come rather from Strath~~say~~^{say}. The people of Strath~~say~~^{say} were praised for their loyalty and their resistance to the blandishments of messengers from a neighbouring disturbed area, probably Strath~~say~~^{say} or Atholl, 'promising the assistance of the inhabitants of that district, if they chose to resist the measure'. ¹⁹⁴ Ilay Campbell, Lord President of the Court of Session and Lord Lieutenant of Dunbartonshire, complained rather vaguely that at New Kilpatrick 'one half of yesterday's Mob consisted of Strangers not belonging to this District, many of them Irish men ...', but none of this description were arrested. ¹⁹⁵ More definite information was cited by the Deputy Lieutenant who was opposed at Cambusnethan in Lanarkshire. He challenged the crowd, saying that they were not all from the parish;

The spokesman acknowledged that what [he] said was true but that they were united in one cause, which was the cause of the whole country. That they had that very morning sworn my Lord Polkemmet ... ¹⁹⁶

While there seems no reason to discount accounts of efforts by one district to get another to oppose the Act as well, this last example

193. Herald and Chronicle, 14 September 1797

194. Edinburgh Advertiser, 26 September 1797

195. H.O. Corr., RH2/4/80, f.194v., Ilay Campbell to R. Dundas, 26 August 1797.

196. Ibid., f.184, Decl. of Jas. Lockhart, 26 August 1797.

is the only one of a very concrete nature.

Whatever the Government said about Jacobins being responsible for the disturbances, their own undercover efforts could not come up with very much in the way of evidence. They were interested in a man called Jameson who was a messenger from the London Corresponding Society and who spent much of his time in Scotland talking privately with former members of the Society of Friends of the People.¹⁹⁷ His work may have had something to do with the opposition to the Militia Act but this was not mentioned by those who were watching him. At any rate, by November he was making overtures to the authorities for employment as a spy, probably having realised that the authorities were closing in.¹⁹⁸ By the following May he was giving information to the Government about the United Scotsmen, although he was never regarded as being a completely reliable source of intelligence.¹⁹⁹ Another person to come to the Government's attention was the Earl of Wycombe,²⁰⁰ an English Whig who had recently returned from the Continent.²⁰¹ For a few days at the beginning of August he passed through the manufacturing areas of the North of England and of central Scotland, before crossing over from Portpatrick to Ireland on 7 August,²⁰² where he remained as

197. *Ibid.*, f.148, Wm. Scot, Procurator-Fiscal in Edinburgh, to Henry Dundas, 16 August 1797.

198. H.O. Corr., RH2/4/82, f.237, J. Orr to R. Dundas, 18 November 1797.

199. H.O. Corr., RH2/4/84, f.218, Jameson to J. Orr, May 1798

200. 1765-1809, eldest son of Marquis of Lansdowne, formerly Lord Shelbourne.

201. A. Aspinall, ed., *The Later Correspondence of George III*, ii, (Cambridge, 1963) 1586, Portland to the King, 21 July 1797.

202. H.O. Corr., RH2/4/80, f.144, R. Carmichael to R. Dundas, 7 August, 1797.

an unofficial Whig representative during the rising of 1798.²⁰³ The Government agent at Portpatrick said that Wycombe had been very much against the Government's measures and that the aim of his short sojourn in Scotland had been to find out the people's attitudes to political questions.²⁰⁴ Again, while it is possible that Wycombe might have been active in suggesting that there should be opposition to the Militia Act, the Government's agents could not give any concrete information on the point.

A small flurry of interest was shown by the authorities in the activities of the Perth radicals, a group which survived the collapse of much of the other public reform societies. In August 1797, they were, according to an informant, becoming divided among themselves over 'this Union business'.²⁰⁵ Any split in the ranks which may have materialised did not however become serious enough to give the Government cause to congratulate itself. To the Government these three fairly minor inquiries or pieces of information did not add up, before the disturbances, to a plot to cause widespread rioting and possibly insurrection. Jameson and Wycombe may have had some sort of influence with the Jacobins or former members of the reform societies in urging them to oppose the Militia Act, but this is speculation. Without being aware of it at the time, however, the obscure reference to 'Union' at Perth may have been significant if it was a reference to the Society of United

203. T. Pakenham, The Year of Liberty, (London, 1972) pp. 80-81

204. H.O. Corr., RH2/4/80, f.146, R. Carmichael to R. Dundas, 9 August 1797.

205. Ibid., f.150, Anon. to W. Scot, 13 August 1797.

Scotsmen, a group to which we must turn our attention.

The Society of United Scotsmen was an organisation inspired by and modelled upon the United Irishmen. One of the societies represented at the British Convention in 1793 was the 'Glasgow United Scotsmen' but the organisation probably did not come into proper existence until later, when other societies were suppressed; as an underground organisation the United Scotsmen were much better equipped to survive. At any rate, by August 1797 the Society had been established in some form in the West of Scotland at least.²⁰⁶ At the trial, early in 1798, of George Mealmaker who was reputed to be the Society's leader, it was claimed that the United Scotsmen had been active in the Perth, Dundee and Fife areas before August, 1797.²⁰⁷ On the face of it, the United Scotsmen seem to have been in an ideal situation to spread misinformation, or simply information, about the Act and about the militia around the country and to suggest ways of opposing both. Their part might explain why all the disturbances took much the same form and why the disturbances spread so widely. It has been suggested, in fact,²⁰⁸ that the United Scotsmen were planning an insurrection and that the Militia Act triggered off an abortive rising too soon. While this is by no means impossible, no evidence is given to back up the assertion. The problem is that, by its nature as a secret organisation, the Society took fairly careful steps to remain so, leaving little in

206. W.T.W. Tone, Life of Theobald Wolfe Tone, (Washington, 1826), ii, 432.

207. JC3/49, Books of Adjournal, H.M. Advocate v. Mealmaker, 10 January 1798.

208. P. Beresford Ellis and S. MacA'Ghobhainn, The Scottish Insurrection of 1820, (London, 1970) p.77. Several points in this section of the book are demonstrably inaccurate.

the way of records. There are, however, several pieces of evidence which can be tentatively put together to establish some sort of role for the United Scotsmen in these disturbances.

Firstly, and most important, are the activities of Angus Cameron in Strathtay. His was the only real attempt to organise and continue opposition to the Militia Act and his aims were much wider than simply to oppose the Act. Cameron was a Lochaber man, fluent in Gaelic and English, well informed; he read anti-Government newspapers and opposed the Volunteers in impromptu speeches at the road-side.²⁰⁹ He had the reputation of being a great speaker 'who could beat the Gentlemen, ministers and Schoolmasters in Speaking'.²¹⁰ He told the people that the Ministry intended to turn the British Constitution into an arbitrary military government and pointed to the barracks in the towns and cities and the camps on the coast as evidence, crowned by the Militia Act.²¹¹ Cameron, moreover, is said to have talked of arming the people from Lord Breadalbane's armoury, from Glenlyon House and from Castle Menzies, of seizing the great guns at Taymouth Castle and, if necessary, of taking to the hills to fight a guerrilla campaign.²¹² The people themselves talked of equality and liberty. One man told Sir James Menzies' factor 'that the Lords and Factors were very fat and living very well and he thought they would bring them down and have time about with them'.²¹³ Another reported he had heard 'murmurs[sic] about

209. AD14/25/127, Decl. of Robert Menzies, 13 October 1797.

210. *Ibid.*, Decl. of John McLaggan, 25 September 1797.

211. *Ibid.*, Decl. of Duncan McDiarmid, 30 September 1797.

212. *Ibid.*, Decls. of James Menzies and John Stuart, 9 and 10 November 1797.

213. *Ibid.*, Decl. of Robert Menzies, 28 September 1797.

reducing the Lairds' rent and the ministers' stipends and about making the King reside at Edinburgh'.²¹⁴ Angus Cameron said he had heard something about the first two points, and about reducing the schoolmasters' salaries but nothing about having the King live in Edinburgh.²¹⁵ At Glenlyon House, one of the crowd, when asked what they were doing, answered that 'they wanted to make this like France'.²¹⁶ It is clear that Cameron's activities were an attempt to raise some sort of armed resistance to the Government, possibly as part of some wider plan. Although he was unsuccessful in this, he probably raised the political awareness of many of the people of Strath Tay in the process of his attempt.

Cameron, it is claimed by Beresford Ellis and MacA'Ghobhainn, was the leader of the United Scotsmen and the events in Strath Tay are regarded by them as an abortive United Scotsmen rising.²¹⁷ For his own part, Cameron, not unnaturally, disclaimed membership of even the Friends of the People, saying that the only society he joined while in Glasgow was a Gaelic one. It is not clear when Cameron was in Glasgow; he had been living at Weem for several years but was employed by a Glasgow firm. He did, however, have connections with the Perth radicals. Some weeks before the disturbances he met Mr Winluck, a Perth hatter, in Aberfeldy where they talked about religion - though not about Paine's Age of Reason Cameron pointed out, although he had

214. Ibid., Decl. of Robert Low, 19 September 1797.

215. JC26/297, H.M. Advocate v. Cameron and Menzies, Decl. of Angus Cameron, 15 September 1797.

216. AD14/25/127, Decl. of Duncan McPherson, 7 September 1797.

217. Ellis and MacA'Ghobhainn, op. cit., p.77.

read it and the replies to it.²¹⁸ Winluck was and had been for some time an active member of one of the Perth democratic clubs.²¹⁹

Before Cameron's arrest, Col. Rooke at Perth wrote to Lord Adam Gordon about the trouble in the Highlands and added that 'a Mr Cameron ... presides at nocturnal meetings, where he swears the people to stand by him, and it is suspected the oath is the same as that in the resolutions of the United Scotsmen'.²²⁰ After the arrest, an anonymous report from Perth stated that 'the Union people, as they are termed, are under great apprehensions about Menzies, lately sent prisoner to Edinburgh, under the idea that he will discover all he knows'. According to the report he knew quite a lot.²²¹

While the Strathtay disturbances were going on some members of the United Scotsmen were busy in Perth, dropping handbills around the city streets.²²² James Ferguson, by then tollkeeper at Muirtown but formerly the organiser of the democratic club at Moulin, went straight to James Wylie, another active democrat in Perth and former Friend of the People, for advice when he found he was wanted for questioning. Ferguson was also aware that oaths were being taken at Glasgow and at Perth by the 'United Scotchmen' but he, of course, had not taken such an oath.²²³ At the trial of George Mealmaker, Robert Sands, former

218. JC26/297, H.M. Advocate v. Cameron and Menzies, Decl. of Angus Cameron, 15 September 1797.

219. e.g. H.O. Corr., RH2/4/80, f.150v., Anon. to W. Scot, 13 August 1797.

220. H.M.C. 72, Laing MSS, ii, 628, Col. C. Rooke to Gordon, 12 September 1797.

221. Ibid., p.639, Particulars communicated from Perth very lately, n.d.

222. H.O. Corr., RH2/4/81, f.86v., Anon. to Campbell, Sheriff-Depute of Perth, 6 September 1797.

223. AD14/25/127, Decl. of J. Ferguson, 30 September 1797.

delegate from Perth to the British Convention, said that attempts had been made in the summer of 1797 to start a Society of United Scotsmen in the city.²²⁴ Another witness said he had been told that the Society had been making rapid progress in the Highlands.²²⁵ There were, therefore, definite connections between the radical community in Perth and some of those involved in the Strathgry riots. There were also elements of the United Scotsmen active in Perth at the time of the disturbances, the United Scotsmen may have been quite organised in Perth by that time and it seems likely that Cameron, James Menzies, and possibly others, were members of or at least very closely associated with the United Scotsmen. Apart from the above, the administering of oaths in the way Cameron and others did would imply some experience of secret organisations.

Another point can be made about the United Scotsmen. John Aitken one of the principal witnesses at Mealmaker's trial, admitted to being the secretary of the Cupar Society of the United Scotsmen, and to taking the oath of the Society before the harvest of 1797.²²⁶ He was also one of those appointed by a meeting of the parishes of Fife and Kinross, at Freuchie on 8 September, to serve on a committee to prepare a petition against the Act.²²⁷ While the Freuchie meeting was peaceful, it certainly seems that one member of the United Scotsmen was active in the campaign against the militia in Fife. A branch of the Society existed in Auchtermuchty where a disturbance did occur. Other circumstantial evidence can be cited which shows that several areas where

224. Howell's State Trials, xxvi, 1154, Evidence of Robert Sands.

225. Ibid., 1152, Evidence of Alexander Smith.

226. Ibid., 1146, Evidence of J. Aitken.

227. Scots Chronicle, 12 September 1797

riots occurred had associations with the old Societies of Friends of the People. Five of these are known to have had local societies: Selkirk, ²²⁸ Lauder, ²²⁹ Strathaven, ²³⁰ Linktown (Kirkcaldy), ²³¹ and Pathhead (Dysart). ²³² Several other places had societies nearby: there were societies at Linlithgow and Whitburn, near Bathgate, ²³³ at Galston, Newmills and Kilmarnock, near Dalry and Ochiltree, ²³⁴ at Campsie and Kirkintilloch near Cadder, Kilsyth, Conderrat Toll and Balfron, ²³⁵ and at Dundee near Monifieth, Barry and Newtyle. ²³⁶ Prestonpans, many of whose salters were very active at Tranent, may have been involved in the Pike Plot of Watt and Downie in 1794. ²³⁷ To say that these places used to have democratic and anti-Government societies is not, of course to say that all the former members were actively involved in the opposition to the militia. However, it seems unlikely that they should all approve the measure and some of those who did not may have taken an active part in furthering the opposition which we have seen. All in all, it can be said that the United Scotsmen existed, that they were in evidence in areas which disturbances took place and that

228. H.O. Corr., RH2/4/70, f.185v., April 1793. (Earliest date)

229. H.O. Corr., RH2/4/73, f.192v., November 1793.

230. H.O. Corr., RH2/4/65, f.18., November 1792.

231. H.O. Corr., RH2/4/70, f.187, April 1793.

232. H.O. Corr., RH2/4/65, f.61, November 1792.

233. H.O. Corr., RH2/4/70, f.186v., April 1793.

234. Ibid., April 1793.

235. H.O. Corr., RH2/4/66, f.344, December 1792.

236. Ibid., f.342, December 1792

237. H.O. Corr., RH2/4/208, f.759, Tweeddale to Henry Dundas, 30 May 1794.

they may therefore have had a hand in these disturbances in some way. Similarly they, and the former members of the democratic societies, may have had some part in the opposition elsewhere.

Whatever the role of underground organisations or of former Friends of the People, the widespread opposition to the Militia Act cannot simply be attributed to their activities. They do not, for instance, explain the opposition at Eccles in the first instance although it does seem that the people there were under some misapprehensions about the nature of the Act. However, it is not necessarily helpful to regard Eccles as being the source of the disturbances. Eccles is almost a red herring. The riots started there because it was there that one of the first district meetings was held, giving one of the earliest opportunities for popular direct action against the Militia Act, although less violent opposition had manifested itself earlier.²³⁸ After the Eccles disturbance, while its example and the example of other previous disturbances might be one factor in causing any particular riot, the timing of that riot was determined, not by the people concerned themselves, but by the Lord Lieutenants who fixed the date of the district meetings. There is no evidence that disturbances against the Act took place before the district meeting had been arranged and preparations were in hand for it. Lists of those eligible for the ballot were seized in anticipation of district meetings and from the point of view of those protesting this was only sensible since it gave no opportunity for further lists to be drawn up. Most major confrontations between people and authorities occurred at district meetings or shortly thereafter. Thus,

²³⁸. See p. 84 above.

while a sequence of disturbances can be seen, that sequence was determined as much by the authorities as by the people and in fact the authorities provided a fairly rigid framework within which the disturbances occurred.

In general, the misrepresentations which circulated through the country about the Militia Act must have had some effect on the disturbances, if only to increase hostility to the measure. Even if they had been the sole cause of the riots, it is not necessary that these misrepresentations should have been deliberate since in the normal course of events rumours about the terms of the Act would very soon spread, the terms would become distorted and the distortions would become exaggerated until it would be possible for the young men affected to believe that they were about to be sold into slavery. Very little was done to counter such rumours; in fact nothing was done by the authorities to explain the Act to the people until the beginning of September, by which time most of the disturbances were over.²³⁹ It does seem likely that underground organisations were active in some areas, and the weapon they could most easily and effectively apply in the situation was the misrepresentation of the terms of the Act, or at least the encouragement of the acceptance of such beliefs as already existed. Alone, however, these misrepresentations are not sufficient to explain the disturbances. Before such activities could have any effect there must have existed both an antipathy to the Act and a distrust of the Government.

239. H.O. Corr., RH2/4/81, f.4: the first attempt at a general explanation was the 'Address to the inhabitants of the County of West Lothian'.

The anti-Militia Act disturbances of August and September 1797, can only be adequately explained in terms of general popular hostility to the Act and to enforced military service. People did not mind a system of Volunteers, in which they had a choice and which was much less time consuming, although perhaps those most opposed to the militia were prepared only to pay lip service to that system. People did, however, object to being compelled to serve in the militia if their name came out of a hat. Those within the narrow age limits set down by the Act for liability for service also objected to the fact that they should be singled out, as did their parents. Their objections, in so far as they did not oppose the Act in principle, were that this selectivity hit an economically active part of both the community and the family, either depriving the family of the services of the person balloted or by forcing him to find the money to hire a substitute, and further that the narrowness of the limit itself made it much more likely that those within the group would actually have to serve. At the same time there were many whose opposition to the measure was coloured by their opposition to the French war itself. Others, drawing their own conclusions from the nature of the war and of the Act, objected to being compelled to protect the property of the rich who on the one hand could afford to avoid such compulsion and on the other had most to gain from a successful conclusion to the war. The district meetings offered ideal opportunities for the opposition to the Act to be expressed by direct action; they brought together, face to face, those affected by and opposed to the Act, the young men, their parents and friends, possibly the radicals and agitators, on one side and on the other those charged with executing the Act, the Deputy Lieutenants, the Justices of the

Peace and other local representatives of the privileged gentry. The popular disturbances which followed such confrontations all over the country were caused by widespread popular hostility to the novel idea of a Scottish militia and more particularly to the actual terms of that Act no doubt fanned by misconceptions of its nature generated both spontaneously and by deliberate misrepresentation.

CHAPTER FOUR

POLITICAL DISTURBANCES

In this chapter it is intended to look at those disturbances and at those less violent demonstrations whose causes were in some way clearly linked to political issues. In a sense, all examples of direct action are basically political in that their aim is to give manifest expression to public opinion and thus to produce a desired result; for example to force the sale of meal at a certain price or to compel the Government to repeal the Scottish Militia Act. The disturbances and demonstrations described below were, however, concerned with politics in a narrower sense. They were concerned either with the party politics of the eighteenth-century oligarchy or with the new democratic political ideas of liberty, equality and fraternity espoused by the adherents of the French Revolution and popularised in the works of Tom Paine.

In our period there were two examples of disturbances concerning elections or party politics; both of these occurred during the 1784 General Election. One occurred at Renfrew during the county election there and the other at Dunfermline during the process of selecting a burgh delegate who would, with delegates from four other burghs, elect a member for the Stirling district of burghs. Most of the disturbances associated with democratic politics and reform were demonstrations of enthusiasm for the new political ideas and involved such actions as the lighting of bonfires, the burning of effigies and the planting of trees of liberty, as symbols of the revolutionary virtues of liberty, equality and fraternity. In addition, there was also a serious riot in Edinburgh on the King's Birthday during the first week of June 1792 as well as a less serious disturbance on the same occasion in 1796. It is probably the case, as we shall see, that the election disturbances

had more to do with the nature of eighteenth-century elections, the carnival atmosphere and the corruption, than with popular involvement in politics, although this may not have been true of all those involved. On the other hand, the King's Birthday Riot and the other associated disturbances and demonstrations were assertions of popular support for the democratic spirit of the French Revolution, in many respects looking forward to the popular political demonstrations and disturbances of the nineteenth century.

The Renfrew election disturbance occurred on Saturday 17 April, 1784¹ but the circumstances in which it took place are not clear. The official account of the riot was that 'a great number of disorderly deluded people' armed with bludgeons assembled on the streets outside the Court House in Renfrew where the freeholders, having elected their representative in Parliament, were dining. After a time, stones were thrown, windows were broken and the doors were burst open by the crowd, forcing the free-holders to flee for their lives. The Riot Act was then read but the crowd ignored it and just threw stones and filth at the Sheriff Substitute as he read it. The disturbance was not quelled until troops arrived from Glasgow.² An account which appeared in the Caledonian Mercury described the events in a slightly less censorious tone and implied that the disturbance was less one sided than the indictment above asserted. The freeholders; admittedly, were 'insulted by a body of Weavers from Paisley, who broke in upon them, destroyed the entertainment and

1. JC26/232, Ind. against William Cumming, et al., 30 September 1784.

2. Ibid.

behaved in the most riotous manner', but the gentlemen, enraged by this intrusion, 'endeavoured to repel them by force, when several on both sides were much hurt'.³

None of those later charged with having 'fomented [the crowd's] fury, spirited them up and led them on to commit the acts of outrage and violence',⁴ at Renfrew were able to shed much light on the reasons for the disturbance or on the sequence of events. All of those tried, namely four weavers and two fleshers, and most if not all of the crowd that attacked the Court House were from Paisley.⁵ One of them, Thomas Forrester, a weaver, denied that there was a plot to 'set on' the Renfrew people and said that the Paisley men had specifically agreed not to begin such an attack.⁶ Another simply claimed that he had gone to Renfrew out of curiosity 'as he heard that there would be a number of Gentlemen at the Election'.⁷ Two of the accused claimed that the most strenuous thing they had done that day was to play handball in the churchyard at Renfrew.⁸ William Cumming, a Paisley flesher, saw a great crowd at Renfrew but his only admitted part in the disturbance was to pull a bleeding freeholder, Boyd Porterfield of Porterfield, out of a ditch.⁹ This was corroborated by Porterfield and accepted by the jury as a mitigating circumstance.¹⁰

3. Caledonian Mercury, 21 April 1784; the same report is in Scots Magazine, xliii (1784), 222.

4. JC26/232, Ind. against William Cumming, et al., 30 September 1784.

5. Ibid.

6. Ibid., H.M. Advocate v. William Cumming, Decl. of Thomas Forrester, 19 April 1784.

7. Ibid., Decl. of Andrew Hosie, 19 April 1784.

8. Ibid., Decls. of John Gardiner, 19 April 1784, and Lachlan McKorkindale, 21 July 1784.

9. Ibid., Decl. of William Cumming, 21 July 1784.

10. JC13/25, West Circuit Minute Book, xxv, 30 September 1784, H.M. Advocate v. William Cumming, et al.

It is tempting to see this disturbance as an early example of the involvement of ordinary people in the exclusive political world of the 114 Renfrewshire enrolled freeholders who were entitled to elect the county's Parliamentary representative.¹¹ This is, however, unlikely because of the nature of county politics which in this case had resulted several years earlier in an agreement being reached between the two principal candidates for the seat. These two were John Shaw Stuart of Greenock, a Portland Whig, and William MacDowall, a supporter of William Pitt. Shaw Stuart had been defeated by MacDowall's father in 1768 and by John Crawford, who was then supported by the MacDowall interest, in 1774. At the 1780 election, however, the balance between the two interests was such that, rather than go through an expensive and uncertain campaign, the two candidates made a compact to share the representation; Shaw Stuart sat for the first three years and William MacDowall for the second. The former duly took his seat from 1780 until July 1783 when he applied for the Chiltern Hundreds, MacDowall was returned at the ensuing by-election and, after his three years, resigned his seat in June 1786.¹² The 1784 General Election, the occasion of the disturbance at Renfrew, interrupted MacDowall's tenure of the seat but in line with their agreement Shaw Stuart did not contest it. MacDowall had no other opponent in whose favour, or against whom, the crowd on 17 April could be seen to be demonstrating.¹³

The General Election of 1784 was exceptional, although it did have all the usual ingredients of an eighteenth century election. It differed

11. C.E. Adam, ed., A View of the Political State of Scotland [1788], (Edinburgh, 1887), p.290

12. L. Namier and J. Brooke, History of Parliament: The Commons, 1754-1790, (London, 1964) iii, 83, 428.

13. Ibid., i, 494

from the normal because of the nature and extent of the publicity campaign which accompanied it. Public opinion had been outraged by Fox's India Bill which, it was feared, would have given Fox dictatorial powers through his control of patronage. The election which eventually followed Fox's defeat on this issue was accompanied by public meetings, addresses to the Crown, pamphlets, election literature and a mass of satirical prints and caricatures, all of it more or less unique in the eighteenth century in that it was concerned with general and not local issues.¹⁴ As a group, the Paisley weavers were prosperous, intelligent, literate and independent. Many, if not most, of them would not have been unaware of the political furore which was going on and it is therefore possible that many of them went to Renfrew to support MacDowall who was, at least in January, a Pittite.¹⁵ Equally, and somewhat frustratingly, it is possible they went to oppose him because of his opposition to the Foxite Whigs. The disturbance, if we accept the Caledonian Mercury's account of it, may have arisen from a surfeit of enthusiasm for MacDowall coupled with the freeholders' objections to a show of popular support for their elected representative. A further complicating factor is that MacDowall had West Indian interests¹⁶ and may therefore have been an opponent of American independence, a cause normally supported by the weaving communities. If this was the case, then an equally good case can be made for the disturbance having arisen from opposition to the returning of MacDowall as member for the county of Renfrew.

14. Mrs E. George, 'Fox's Martyrs: the General Election of 1784', Trans. Royal Hist. Soc., 4th Series, xxi (1939), 138.

15. Namier and Brooke, op. cit., iii, 83.

16. Ibid.

The case for neither of these interpretations is strong enough to be convincing and the disturbance is as likely to have originated in a brawl between a group of weavers and other working people, enjoying their Saturday afternoon leisure in the Renfrew public houses, and some of the freeholders, enjoying their post-poll celebrations. It was claimed in the newspaper report that the disturbance resulted in the death of a woman cook ¹⁷ but subsequent proceedings in the court did not involve any reference to a fatality. Not surprisingly, several weavers and fleshers were prosecuted for mobbing and rioting while no charges were brought against any of the gentlemen freeholders: if there were any elements of class-conscious antagonisms involved in the disturbance, this confirmed them. The prosecution of even one freeholder in this sort of situation would have been, under any circumstances, truly extraordinary. By and large, speculation about possible causes of or undercurrents behind this disturbance in Renfrew is not very fruitful. It can only be said with any certainty that a disturbance took place, that it involved men from Paisley, mostly weavers, and that the occasion was the return of an M.P. for the county of Renfrew in the General Election of 1784. With the evidence available this disturbance is perhaps best accounted for as part of the public and popular aspect of eighteenth century elections which got out of hand.

The incidents which took place at Dunfermline two days after the Renfrew disturbance, on 19 April, are more easily explained. For the purposes of parliamentary representation after the Union Scottish royal burghs were grouped into districts of five or six, at election time

17. Caledonian Mercury, 21 April 1784.

each burgh sent a delegate to the head burgh (a distinction held by each burgh in turn) where the delegates then voted for a representative. Since the delegates were elected by the self-perpetuating and irresponsible town councils of the burghs the system was, to say the least, liable to serious misuse. In the first place the town councillors were open to 'persuasion' and it was necessary to secure a majority of the councillors to ensure the election of a suitably disposed delegate. For a price, either in cash or promises of political or commercial favours, a majority of councillors on a majority of councils could be secured. Their delegates, however, might be open to further and opposing bribes and they too had to be suitably rewarded for their services to avoid defection.¹⁸ Frequently during elections, therefore, the royal burghs became the scenes of much manoeuvring and counter-manoeuvering by the opposing factions.

Dunfermline was one of the Stirling group of royal burghs along with Queensferry, Inverkeithing and Culross, a group described as 'one of the most venal in Scotland'. In 1774, for example, when there was a violent contest it had cost Archibald Campbell £17,000 to secure his seat.¹⁹ The disturbance at Dunfermline reflects the methods used in these elections. The occasion was the selection of a delegate from Dunfermline. During the day a large number of people assembled on the streets and attacked a number of the supporters of the sitting

18. For an extreme example of the role of burghs in Parliamentary elections see William Ferguson, 'Dingwall Burgh Politics and the Political Franchise in the Eighteenth Century', S.H.R., xxxviii, (1959), 89ff.

19. Namier and Brooke, op.cit., i, 510.

member, Major James Campbell, of Tuerchan in Argyll.²⁰ The crowd harassed two of the councillors and the provost, 'and endeavoured to force and detain them so as to prevent them from voting for the Delegate to be chosen that day'.²¹ The violence involved seems to have arisen out of the practice of arresting one's opponents for debt on the day of an election in order to prevent them from voting.²² Included in the papers of the case arising out of the Dunfermline incidents are two counter charges by one of the accused, David Cusine, a legal messenger, against several people including the provost and one of the councillors who are mentioned as victims in the indictment. These counter charges allege that on the day of the election Cusine had been sent to 'poind, ward and arrest' Thomas Ward, a Dunfermline shoemaker, at the instance of a local merchant for the non-payment of part of a debt. Having arrested Ford, Cusine and his associates were attacked by the provost, the former provost, two local traders and, significantly, Duncan Campbell a writer from Inverary, all of whom helped to rescue the prisoner.²³ In a second incident, Cusine further alleged that he had a warrant to arrest William Stobie, weaver, (and probably one of the councillors referred to in the indictment) for a debt of 15s 10d (79p). When arrested, Stobie 'fell alaughing and said "body, I cannot"' then the same group attacked Cusine and his prisoner, 'with fists, whips and sticks', rescuing Stobie.²⁴

20. Ibid., ii, 186.

21. JC26/234, Indictment against David Cusine, et al., 30 September, 1784.

22. See, e.g. William Ferguson 'Dingwall Burgh Politics and the Political Franchise in the Eighteenth Century', loc. cit.

23. JC26/234, H.M. Advocate v. David Cusine, et al., 'Execution of Deforcement by David Cusine against Thomas Ford and others', 19 April 1784.

24. Ibid., 'Execution of Deforcement by David Cusine against William Stobie and others', 19 April 1784.

It is not beyond the bounds of possibility that the resulting prosecution of Cusine and his friends and not of Stobie and his friends was motivated at least as much by political as by judicial considerations. The member elected by the Stirling Burghs was James Campbell, brother of the man who had spent so much ten years before to get the seat and who had been a friend and supporter of Henry Dundas, and who was himself a loyal supporter of whatever party was in power. He was also provost of Inverkeithing.²⁵ Those who were prosecuted were clearly supporters of the defeated candidate, James Francis Erskine,²⁶ who ultimately failed to get any votes at all in the election.²⁷ Erskine was never successful in becoming an M.P. but it would seem that he and his supporters, who included the Town Clerk of Kinghorn and his brother, sons of one of the bailies of Dunfermline, were also indulging in the kind of tactics which were normal at least in the districts of burghs during elections. They were as much the villains of the piece as the victims, except that they were not successful and their influence did not extend to the office of His Majesty's Advocate.

The actions of the supporters of Campbell induced a popular reaction which may be a reflection of popular involvement in politics at this level, indicating a propensity among the ordinary Dunfermline people to support an independent candidate against a pro-Government one. On the whole, however, while an interest in politics may have

25. Namier and Brooke, op.cit., ii, 180, 186.

26. Probably the second son of Frances, Baroness Erskine and brother of the restored Earl of Mar. Scots Peerage, v, 633.

27. Namier and Brooke. op.cit., i, 510.

been aroused in the minds of many of the ordinary people of Scotland by the American Revolution, their direct involvement in large numbers in the politics of their own country was limited to such direct action as was employed, peripherally, at Dunfermline and to a lesser extent at Renfrew. Significantly, both of these incidents involved people from the centres of handloom weaving and it was the handloom weavers who are regarded at this time as the prosperous elite of working people, the sort of people most interested in politics. Ironically but perhaps not surprisingly, it was a weaver, David Stewart, who was the only one of the Dunfermline accused to be found guilty and sentenced to three months in the tolbooth of Perth, while his co-defendants, a legal messenger, a merchant and a solicitor who was also town clerk of Kinghorn, were acquitted. In that Stewart was found guilty of assaulting one of the opposition, it may be that he had overstepped the bounds of accepted electioneering tactics while the others had not.²⁸

It was not until the second and more fundamentally democratic revolution of the eighteenth century, the French Revolution, that a wider section of Scottish society would become concerned with the politics of Great Britain, with their exclusion from the franchise and thus from the general conduct of their own affairs.

Everything rung, and was connected with the Revolution in France ... Everything, not this or that thing, but literally everything, was soaked in this one event.²⁹

28. JC11/35, North Circuit Minute Book, xxxiii, H.M. Advocate v. David Cusine, et al., 30 September 1784.

29. Henry Cockburn, Memorials of his Times, (Edinburgh, 1856), p.80

This was the often quoted view of Henry Cockburn, a Whig lawyer and later a Court of Session judge, about the effect on Scotland of the French Revolution. We have already seen that many disturbances, in the 1790s, whose primary causes were not of an overtly political nature conformed to this assessment in that they had secondary political aspects. This applies with particular force to some of the meal mobs and to many of the militia riots of 1797. Disturbances which were overtly political, however, were less common; they were largely limited to the year 1792 and were dominated by one event, the King's Birthday Riot of June 1792. The disturbances which we have described as 'demonstrations' mostly took place that year, mainly in November, and were most significant as illustrations of how widespread was popular enthusiasm for democracy and the Rights of Man.

One of the reasons for the importance which is attached to the King's Birthday Riot in 1792 in Edinburgh is that the Government was, not surprisingly, very concerned by the outburst of popular hostility to the representatives of the status quo. This concern is reflected in the substantial amount of source material which survives about the disturbances. From this material it is not only possible to reconstruct the actions and movements of the Edinburgh crowd during the riots but also to read the handbills which blossomed in the town before the disturbances and to see how and by whom an effigy of Henry Dundas was made and burnt. It is proposed that before trying to assess the significance of these disturbances the events of late May and early June, 1792 in Edinburgh should be rehearsed. ³⁰

30. Another useful account of the riots can be found in H.W. Meikle, 'The King's Birthday Riot in Edinburgh, June 1792', S.H.R., vii, 1909.

The King's Birthday Riot was preceded by a flood of handbills and anonymous letters. The provost, 'having from Public Report and otherways Reason to apprehend that some evil disposed persons were using means to excite tumults upon his Majesty's birthday', ³¹ sent patrols out on the streets during the weekend before the riots with orders to take down any inflammatory or seditious notices. As a result, fourteen different placards or anonymous, often called incendiary, letters were brought to him. Copies of these are reproduced in the Home Office Correspondence, and range from rambling threats to the lives of the Provost and particular councillors to precise announcements like the one which was fixed to the door of the Tron Kirk:-

Notice to the Public

On Monday June 4th Being the King's Birthday,
The Effigies of the Rt. H.H. D -----s M. of P. for
this City will be Publicly burnt at the Cross of
Edin^{gh}.

By order of the Magistrates
Dragoons we fear them not the
Laws our king. ³²

The first warning that trouble was to be expected appeared sometime in May and announced, sarcastically, the burning of effigies of heroes of the French Revolution. ³³ Handbills were put up all over Edinburgh

31. H.O. Corr., RH2/4/63, f.169, Decl. of James Stirling, Provost of Edinburgh, n.d.

32. Ibid., f.120v., Production 1.

33. H.O. Corr., RH2/4/63, f.31, Handbill published at Edinburgh, May 1792.

in public places and must have been an important, if not over-riding, factor behind the riots of 4-6 June, if only in creating an atmosphere conducive to a large scale disturbance. Certainly few inhabitants of the city could have been unaware either of the King's Birthday or of the placards urging a less loyal celebration than usual.

One of Provost Stirling's anti-placard patrols in fact stumbled on three young men who had been placarding at St. Giles, St. John Street, Richmond Street, the Pleasance, South Back of Canongate and Bristo Port. They did not deny they had been pasting up a paper entitled Petition of the Sharks of Africa to both Houses of Parliament. They were suspected of worse,³⁴ but the Petition was innocuous enough for them to be released. For Scott, a bookseller's clerk, this may have been the beginning of a short career in radical politics. Eighteen months later an Alexander Scott, publisher, was charged with sedition as a member of the Friends of the People, delegate to the British Convention and publisher of seditious material.³⁵

Before 6 am one morning at the end of the week preceding the riots, a handbill addressed 'To all the Tradesmen in Edin^r and all others who wish well to their Country', was discovered at the gate of a coachmaker's yard in the Canongate. All the workmen in the yard had a look at it, as no doubt they were intended to, before it was handed to their employer's

34. Ibid., ff.181-181v., Decls. of William Murray, Alexander Scott and David Murray, n.d.

35. JC3/47, Books of Adjournal, H.M. Advocate v. Alexander Scott, 20 January and 3 February 1794.

clerk.³⁶ The placard urged all who wished the trade and manufacture of Scotland well to meet in Antigua Street, off Leith Walk, at 8 pm on the King's birthday,

when we shall give a general Salute in the way it was given to Capt. Porteous of the Town Guard, to Mr Maitland, General Supervisor of the Excise.

The warning combined two traditions of the Edinburgh crowd in the eighteenth century: its power as displayed by the Porteous Riot of 1736 and its opposition to excisemen. Mr Maitland was accused of taking bribes from the rich and 'skimming' the poor who could not afford to do so.³⁷ The reference to Captain Porteous who was lynched by the Edinburgh crowd after the Government granted him a stay of execution certainly implies that the threat was to Maitland's life. It is likely that this was not the only handbill in this or similar vien circulated in Edinburgh or slipped, like this one, under gates and doores. It was also not the only threatening reference to Porteous; one anonymous letter warned the Provost that the writer was determined 'to sacrifice him as Porteous was'.³⁸ The handbills, however, which must have had the widest circulation were those very short ones which were dropped on the streets, for example,

Now is the Time
Burn the Villain
Fear Not - You will
Be Supported

36. H.O. Corr., RH2/4/64, f.193v., Ibid., ff.189-289v., Decl of William Paterson, n.d.

37. Ibid., f.193v.

38. H.O. Corr., RH2/4/63, f.172v. Production 6.

and

Burn the Villan

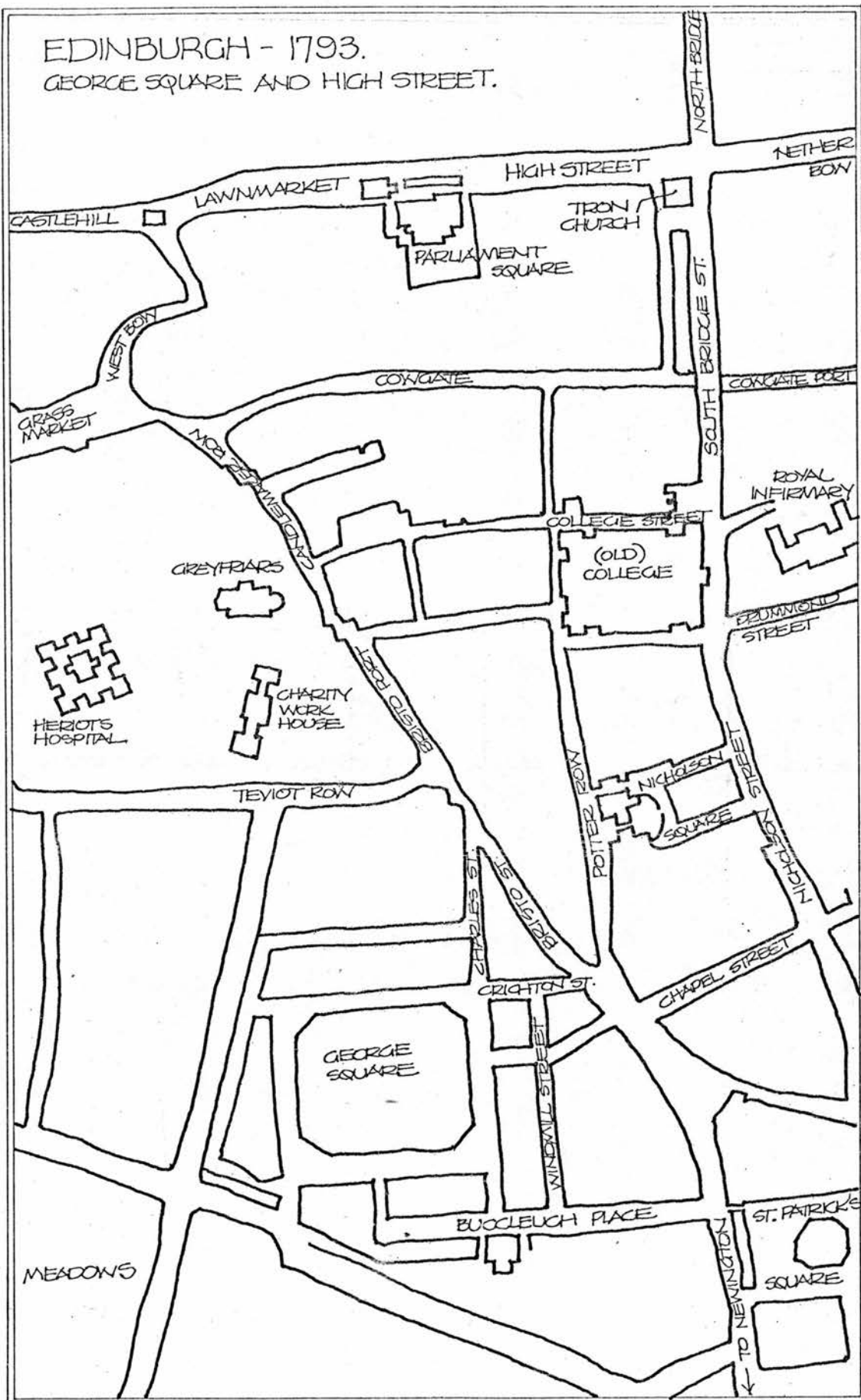
Dundas

39

This rash of handbills was a prelude to disturbances which went on for three days: they started about 7.30 pm on Monday, 4 June, continuing that evening until about midnight, resumed for most of Tuesday evening and concluded with a short burst of activity on the Wednesday evening, 6 June. The crowds involved were quite large, at times estimated at about two thousand, and the action was concentrated in George Square, the centre of the first New Town on the south of the city, with one final foray to St. Andrews Square in the second New Town. The targets of the crowds' hostility were figures of authority - Henry Dundas, 'Harry the Ninth', political overlord of Scotland and Pitt's Home Secretary, as well as his nephew Robert Dundas, the chief law officer of Scotland, and James Stirling, Lord Provost of the City of Edinburgh.

Traditionally, the King's official Birthday was an occasion for boisterous and inebriated celebration by the ordinary people of Edinburgh. This was paid for by the loyal liberality of genteel society which had its own quieter but no less alcoholic jollification in the old Parliament House, where the King's health was endlessly toasted. On 4 June 1792, the authorities had been warned by the handbills that things might not be as usual: in fact the first unusual factor was initiated by the

EDINBURGH - 1793.
GEORGE SQUARE AND HIGH STREET.



Provost himself when, on the advice of the Lord Advocate and the Solicitor-General, he ordered four troops of the Queen's Dragoons into the town.⁴⁰ Nonetheless, while the Edinburgh establishment was inside the Parliament House drinking the King's health, the crowd outside tore a sentry box from its place on the High Street and carried it off to the Netherbow where it was burnt. The High Street above the Netherbow was full of people, squibs and sky-rockets were set off,⁴¹ and four dragoon officers who were on foot were forced to mount up and retreat before a threatening section of the crowd towards the Cross. The Provost then appeared on the scene and gave the dragoons authority to face the crowd, with part of the 53rd Regiment, newly arrived from the Castle, drawn up with them. To the Provost the crowd seemed to be growing and 'was now prodigious, but without any apparent form'd plan or object'.⁴² The Sheriff read the Riot Act but the crowd's reply was to stone him and his military escort from the windows and rooftops nearby. The Dragoons rode along the pavements to try and clear the street but the crowd just ran down the narrow closes or up stairs until they had passed then safely re-emerged. Only when the fire at the Netherbow was extinguished and the military withdrew up the High Street to the Cross near St. Giles did the crowds begin to disperse, about 11 o'clock.⁴³ It was not until after 2 am that the troop of dragoons could be dispensed with and the Provost could go home.

40. H.O. Corr., RH2/4/63, f.70v., James Stirling, Provost of Edinburgh to Henry Dundas, 5 June 1792.

41. Caledonian Mercury, 7 June 1792.

42. H.O.Corr., RH2/4/63, f.94v., Stirling to Henry Dundas, (12 June).

43. Ibid., ff.124v.-125v., Decl. of Sheriff Pringle, n.d.

During the following day, Tuesday, the city was quiet but in at least one place workmen were engaged in activities which would have alarmed the authorities if they had known. After dinner time a group of masons in a yard near Newington discussed the construction of an effigy of Henry Dundas. Either by coincidence or simply because the authorities received the information from the same source, these men were working on a building for the same coachmaker in whose Canongate yard one of the handbills had been found.⁴⁴ The man first picked to make the effigy declined but another, John Wilson, agreed, 'out of his simplicity and not knowing the purpose for which they intended it' he later claimed.⁴⁵ Wilson and another went into Edinburgh to a blacksmith's shop where they collected a hat, an old coat, a pair of breeches, a pair of stockings and a pair of shoes with which they returned to make the effigy. About six in the evening the work was completed⁴⁶ and, carried by several of the masons, the effigy was accompanied by a small crowd towards the town by way of Cross Causeway and into George Square, on the south side.⁴⁷

When the crowd, consisting of about twenty men and a large number of women and boys, arrived in the square they gathered outside the house of Lady Arniston, Henry Dundas's mother. The effigy, suspended on two poles, was there set alight to loud cheers, while insulting epithets and gestures were directed at the house, along with a few more solid missiles.

44. See above, p. 154; H.O. Corr., RH2/4/64, f.192v., Decl. of Alexander Crichton, n.d.

45. H.O. Corr., RH2/4/63, f.145., Decl. of John Wilson, n.d.

46. Ibid., f.147, Decl. of Nerval Rogers (foreman), n.d.

47. Ibid., f.145, Decl. of John Wilson, n.d.

Several windows were broken and Admiral Adam Duncan, later the hero of the battle of Camperdown, and Lt. Col. Francis Dundas, the Lord Advocate's brother, who had come to Lady Armiston's assistance, decided to try and disperse the crowd in the square themselves. The Admiral rushed out and attacked the crowd to the right of the house while the Colonel, armed with one of his aunt's crutches, attacked those on the left. For a moment the crowd turned and ran in both directions. After a few seconds, however, both groups stopped, Duncan was stoned and forced to retire to the house while Dundas was attacked physically, knocked down and then hit on the face with the crutch before he too managed to retreat to the relative safety of the house.⁴⁸

By this time the small crowd which had entered the square with the effigy had been swollen as more and more people joined in and the Sheriff was soon hurrying to the scene, to be met by a large crowd at the north-east corner of the square, 'huzzaing and throwing dead cats and stones'. The Sheriff's attempts to get the crowd to disperse were met with 'foul language and a volley of stones, and a squib' which hit him on the chest.⁴⁹ When the soldiers arrived from the Castle the crowd, by no means overawed, attacked them with paving stones taken from a pile conveniently left at that corner by accident or design. The Sheriff was forced to take refuge in a close before hurrying through the mews lanes around the square to get to the detachment of soldiers who had entered the square from the Meadows and were approaching the crowd

48. Ibid., ff.108-109, 113-115, Decls. of Admiral Adam Duncan and Lt. Col. Francis Dundas, n.d.

49. Ibid., ff.133-133v., Decl. of George Williamson, n.d.

from the west.⁵⁰ The troops first sealed off the north east corner of the square then tried to clear adjoining Crichton Street without any success so that at 8.15 pm the Sheriff, not having a copy of the Riot Act with him, 'read' it, he claimed, from memory. When he ordered the soldiers to prepare to fire the crowd retreated a little but returned when they did not fire.⁵¹ The fact that no shots were fired was probably a mistake from the military point of view and unfortunate from the crowd's: it damaged the credibility of the threat to fire so that later only the actuality had any effect, while it lulled the crowd into a false sense of security, believing the troops would not fire.

A frontal assault having failed to disperse the crowd, it was decided to try to outflank it by going through Windmill Street into Chapel Street and then coming on the crowd from behind. Led again by the Sheriff, a party of soldiers took this route and advanced on the crowd with fixed bayonets. Two muskets went off accidentally, according to the Sheriff,⁵² wounding an innocent foreign gentleman who was watching the action from a window.⁵³ All this time the crowd had been throwing stones around, one participant claiming that they had been 'pelting each other with dead cats and stones', only turning to the soldiers when they advanced on them.⁵⁴ For the moment this advance was successful and the crowd dispersed down Richmond Street to Nicholson Street. The square now

50. Ibid., f.151v., Decl. of Hugh Warrender, n.d.

51. Ibid., f.128, Decl. of Sheriff Pringle, n.d.

52. Ibid., f.75v., Sheriff Pringle to Henry Dundas, 6 June 1792.

53. Caledonian Mercury, 7 June 1792.

54. JC26/265, H.M. Advocate v. Bertram and Lochie, Decl. of John Bertram, 28 June 1792.

seemed quiet enough for a small guard to be set on both Lady Arniston's and the Lord Advocate's houses. The Lord Advocate himself along with the Sheriff then led the remaining soldiers off down the Bridges, pursued and harassed by a hostile crowd, to disperse another reported attack on the Lord Provost's house in St. Andrew Square.

The disturbance in St. Andrew Square did not materialise and the peace in George Square was shortlived. Having seen the troops march off towards the Castle and the New Town and having pursued them some of the way, part of the crowd, estimated at about 50 strong and consisting mainly of 'Trade Lads', ⁵⁵ reassembled in front of the Lord Advocate's house and, between 9 and 10 pm, began to stone it. All the windows in the ground-floor were broken. ⁵⁶ The guard from Lady Arniston's house came up the square to join those from the Lord Advocate's and in the confusion at this point shots were fired, injuring no-one but forcing the crowd to retreat out of the square into Crichton Street again. At this juncture the crowd, at least according to witnesses for the Crown, began to believe either that the soldiers would not fire or that their muskets were not loaded with 'sharp shot'. One witness reported hearing a boy in the crowd say that they need not be afraid 'for it was only powder they had fired'. ⁵⁷ For whatever reason, the crowd advanced on the soldiers again, 'calling out "Bougars, fire" ' ⁵⁸ and evidently believed that they would come to no harm. This was not the case. As

55. H.O. Corr., RH2/4/63, f.135, Decl. of George Williamson, n.d.

56. Ibid., f.119, Decl. of Lt. Col. Francis Dundas, n.d.

57. Ibid., f.135v., Decl. of George Williamson, n.d.

58. Ibid., f.130v., Decl. of Sheriff Pringle, n.d.

the crowd began to press forward more boldly, the Sheriff, who had rushed back from his wild goose chase, first warned them of the consequences and when this did not produce a retreat, gave the officer in charge orders to fire.⁵⁹ Even after the first volley, the crowd did not seem to believe that live ammunition was being used and the officer in charge reported that still 'they cried out to the Soldiers "to fire ye Bugaris"'.⁶⁰ The second volley had the desired, but fatal, effect: the crowd ran off in all directions, some 'calling out that severals were killed'⁶¹ and in fact one man died⁶² while at least six more were wounded, two seriously.⁶³

This death did not prevent a large crowd assembling in and near George Square for a second night, between six and nine o'clock. Fearing that they would again be fired upon by the strong guard on the Lord Advocate's and Lady Arniston's houses - 'which they most assuredly would have been', the Lord Advocate assured the Home Secretary⁶⁴ - the crowd of up to two thousand 'disappeared in a moment' when the troops moved to disperse them.⁶⁵ The people did not, however, disperse but 'rolled like a torrent along both bridges'⁶⁶ to the New Town and St Andrew Square where the Lord Provost had his house. Taken completely by

59. Ibid., f.77, Sheriff Pringle to Henry Dundas, 6 June 1792.

60. Ibid., f.162, Decl. of Ensign George May, n.d.

61. Ibid., f.136, Decl. of George Williamson, n.d.

62. Ibid., f.103, Robert Dundas to Henry Dundas, 16 June 1792.

63. Caledonian Mercury, 7 June 1792.

64. H.O. Corr., RH2/4/63, f.81, Robert Dundas to Henry Dundas, 7 June 1792.

65. Ibid., f.81v.

66. (i.e. the North and South Bridges), ibid., f.95, Provost Stirling to Henry Dundas, 12 June 1792.

surprise in this way, the authorities could do nothing to prevent the Provost's house from being attacked by the crowd. Sentry boxes were pulled from their places, propped against the main door and an attempt was made to set them and the house alight.⁶⁷ This was not successful but in the next twenty minutes every single window in the house, front and gable-end, was shattered to pieces, while the Provost's terrified wife and daughters remained trapped inside.⁶⁸ When the civil and military authorities realised what had happened two signal guns were fired from the Castle and the beacon on its ramparts was dramatically lit up.⁶⁹ As the dragoons, led by the Provost himself, appeared crossing the Mound towards St Andrew Square, the crowd melted away and by the time the soldiers reached the Provost's house, there was scarcely a soul there. Several people were seized in nearby stairs and basement areas, including a drunken but innocent advocate who spent the night in jail for attacking and abusing one of his captors.⁷⁰ The attack on the Provost's house was, effectively, the last of the 1792 King's Birthday disturbances.

On Thursday 7 June, the following day, a public meeting of the 'principal Citizens and Magistrates' was held to discuss and deplore the events of the previous three days.⁷¹ At the meeting the Lord

67. JC3/46, Books of Adjournal, Ind. against John Taylor, 12 July 1792.

68. H.O. Corr., RH2/4/63, f.95v., Provost Stirling to Henry Dundas, 12 June 1792.

69. Edinburgh Herald, 8 June 1792.

70. H.O. Corr., RH2/4/63, ff.82-3, Robert Dundas to Henry Dundas, 7 June 1792.

71. Ibid., f.84.

Advocate alleged that

certain persons in higher ranks of life than many suspected not only withheld their assistance in suppressing the riots, but countenanced the lower ranks, by inflaming their minds with seditious opinions. ⁷²

It was a self-evident truth among the upper ranks of society that the lower ranks could not themselves be responsible for such a sustained outbreak of popular protest and that discontented members of the upper ranks must be somewhere behind every such disturbance, surreptitiously fomenting discontent and guiding the mobile to the appropriate targets. Axiomatic or not, the thesis was rarely if ever shown to be in fact true and the King's Birthday riots were no exception: the Lord Advocate was never able to demonstrate that his sweeping assertions were true. The meeting, however, needed no proof and instead went on to present its thanks to the Lord Provost, Magistrates and the Commander-in-Chief for their efforts in attempting to maintain the public peace, resolved to exert themselves in the promotion of peace and quiet and the arrest and punishment of offenders. A committee was set up to frame a Proclamation to prevent such riots in future and to punish the guilty. ⁷³

Some ten days later, however, the Sheriff of Edinburgh reported to Henry Dundas as Home Secretary that no 'Instigators and Abettors of the late riots' had been apprehended. A reward of 150 guineas had been offered for the discovery of the authors of the various handbills

72. Caledonian Mercury, 7 June 1792.

73. Edinburgh Herald, 8 June 1792.

without any result and he suggested the offer of a free pardon to any accomplices as a further incentive. Despite this lack of success he was still convinced that the riots had been 'promoted by some persons behind the Curtain ...'.⁷⁴ The Lord Provost was more perplexed by the events in his town:

According to all my informants there is not at the present even a grumble, in short I am still puzzled to account how the wanton and most unprovoked tumults of the Birthday originated. That there are characters here who would rejoice and perhaps secretly encourage any measure or circumstance tending to injure the reputation or to retard or confuse the present administration, is but too true, so still and feeble however is their voice that few or none of them dare or chuse to avow such.⁷⁵

Stirling's perplexity was probably more justified and his opinion of the opponents of the administration more accurate than Sheriff Pringle's certainty and his exaggeration of the influence of a few political reformers among 'men of rank'.

In the end only three people were formally charged with taking part in the riots. John Taylor, a brewer's labourer, was accused of being active in and leading the crowd which left George Square on the third evening of rioting to attack the Lord Provost's house. Alexander Lochie, a chaise-driver, and John Bertram, a man-servant, were charged with having thrown stones at the soldiers in Crichton Street on

74. H.O. Corr., RH2/4/64, f.199v., Sheriff Pringle to Henry Dundas, 19 June 1792.

75. Ibid., f.210v., Provost Stirling to Henry Dundas, 20 June 1792.

Tuesday 5 June, the second night of rioting.

When they charged John Taylor with mobbing and rioting the Crown's legal officers believed, or purported to believe, that he was that much sought after phenomenon, the ringleader of the disturbance. The indictment against him included the charge that

with a view as it would seem of distinguishing
yourself as the Ringleader of the said Mob, you
then wore on your head a rough hairy or ffur-cap [sic]

and the assertion that it was only through Taylor's influence as leader that the crowd reformed and proceeded to St Andrew Square.⁷⁶ John Taylor made his living by collecting barm or yeast and the grounds left in casks of beer from public houses. He went round the town with a brewer's sledge-driver on his deliveries, assisting him in return not for wages but for the privilege of collecting the barm and grounds although he sometimes sold this back to the driver. On Tuesday 5 June he said that he spent most of the day with the sledge going around the town but he could not remember where exactly since they got a drink from each customer 'which impairs the memory'. He denied being involved in the riot that evening. The next day, he spent some time helping a veal butcher and he wore his old Regimental fusilier's cap while doing this. He was drinking on and off all morning and in the afternoon accompanied the sledge again so that by the evening when the sledge arrived at the assembly rooms at George Square he was 'a little flustered

76. JC3/46, Books of Adjournal, Ind. against John Taylor, 17 July 1792.

with liquor'. At this point Taylor claimed he became, not a leader, but a victim of the crowd. Seeing that he was drunk they insulted him and threw cats at him and then made him 'ride the stang'. They hoisted him on a ladder and carried him aloft down towards the High Street, threw him to the ground in front of the Old College and then restored him to his perch before taking him off to St Andrew Square. He was again thrown down in front of the Lord Provost's house but this time he immediately ran off, going to his mother's house in the Pleasance where he stayed for 2 or 3 hours to sober up. Once he felt a little better he went to John Johnston's change-house in Crosscauseway where he drank half a mutchkin of spirits 'with two well dressed men who appeared to be gentlemen's servants out of livery ...'. Leaving the changekeeper's he was on his way home when he was arrested at the top of Liberton's Wynd and taken off to the Castle. ⁷⁷

In the event, the jury returned a verdict of not proven, apparently giving at least as much credence to Taylor's version of events as to the Lord Advocate's. ⁷⁸ Three days after the conclusion of Taylor's trial the other two, Bertram and Lochie, also appeared before the High Court of Justiciary. ⁷⁹ When arrested Bertram had admitted that he had been in the crowd, that he had indulged in throwing dead cats and other missiles at 'persons in the mob' but that he had not thrown any stones at the soldiers or at the town officers. ⁸⁰ His reasons

77. JC26/265, H.M. Advocate v. Taylor, Decl. of John Taylor, 8 June 1792.

78. JC3/46, Books of Adjournal, 17 July 1792.

79. *Ibid.*, 16 July 1792.

80. JC26/265, H.M. Advocate v. Bertram and Lochie, Decl. of John Bertram, 28 June 1792.

for being at large during the riots was that, as a house servant, he was on his master's business; it is most likely that he was arrested because he was, in his master's livery, easily recognisable. His companion in the dock, Alexander Lochie, was equally as easily identifiable, being a chaise driver and also wearing a uniform. His reasons for being in the vicinity of the riot were also similar; he was sent by his master to collect his daughter and was arrested as he passed the Tron Kirk on this mission. He denied any part in the disturbances.⁸¹ The jury, however, did not accept his denial and they found it proven that he had been present in the mob and 'that he threw one Stone towards the Soldiers'. Bertram, on the other hand, was released after a verdict of not proven was returned.⁸²

Thomas Muir, Younger, of Hunterhill, who at that time was also closely involved in the setting up of the Society of Friends of the People, was Lochie's defence counsel and he objected that, among other things, the verdict against his client did not apply to any of the charges against him. His objection was repelled by the court but it is clear that the prosecution had successfully employed a grape-shot indictment, that is the indictment was designed to cover as many aspects of the riot as possible so that any one could be founded upon to establish guilt. The indictment more or less recounted the events of the riot and stated that the accused were involved so that the jury's finding of guilt on one specific point could be, rightly or wrongly,

81. *Ibid.*, Decl. of Alexander Lochie, 30 June 1792.

82. JC3/46, Books of Adjournal, 17 July 1792.

interpreted as a finding of general guilt. The jury's verdict was in fact so precise that it may be that they were attempting to limit the scope of the sentence which would follow. If this was the intention, it signally failed in the short run. After Muir's objection had been repelled the judge proceeded to sentence Alexander Lochie to fourteen years transportation.⁸³ In the long run, however, the jury's inferred intention was met when Lochie was granted a remission under the Great Seal and set at liberty on 6 February 1793.⁸⁴

The King's Birthday Riot of 1792 was the largest and most important of the anti-Government riots in Edinburgh in the 1790's but it was not the last of them. While no serious disturbance was reported in June 1793, in 1794 the Provost of Edinburgh reported that,

notwithstanding the threatenings and many alarming informations of the intentions of the Friends of the People on the King's Birthday, it passed over without disturbance and the only unpleasing circumstance is that a few boys broke 9 panes of glass in the Ld. J-C's house.⁸⁵

While in general the city was quiet and anti-Government feelings were muted, it means that the crowd had not reverted to a 'Church and King' model and still regarded figures of authority as legitimate targets. 1795 was similarly quiet and it was not until 1796 that we have any reports of disturbances. As we have already seen⁸⁶ 1796 was a year

83. Ibid.

84. Ibid., 6 February 1793.

85. H.O. Corr., RH2/4/76, f.81, Thomas Elder, Provost of Edinburgh, to Henry Dundas, 5 June 1794.

86. See above, chapter 2.

of scarcity and, while there was no overt connection between the food riots in the North East coastal towns and the Birthday riot in Edinburgh, it is not impossible that the climate of opinion in the city was affected both by the food shortages and high prices and by the disturbances elsewhere.

The 1796 King's Birthday riot was not regarded by the authorities as a very serious breakdown in law and order and no reference to it appears in the Home Office correspondence. Details of the disturbance in fact only appear in a Bill of Suspension presented to the High Court against a sentence of imprisonment imposed on Adam McKay for his part in a disturbance on 4 June 1796.⁸⁷ From this document it appears that on that date a crowd had gone from the Tron Kirk, up South Bridge and into George Square where, once again, the Lord Advocate's house had been stoned and some windows broken. The crowd, several hundred 'Tradesmen and some Boys',⁸⁸ remained in the square for some time and once or twice dinner guests at the Lord Advocate's house sallied forth to try to disperse them but succeeded only in temporarily pushing them back and in seizing a few of their number. McKay was accused of taking a leading part in the disturbance by using his hat 'to encourage the mob to advance'⁸⁹ and by exhorting the mob to rescue those held in the Lord Advocate's house. One witness said he had shouted three or four times 'Let us go and take them out by force'.⁹⁰

87. JC3/48, Books of Adjournal, 5 August 1796

88. JC26/285, Bill of Suspension by Adam McKay, 5 August 1796.
Verbatim evidence of David Boyle.

89. Ibid., Evidence of John Riddell.

90. Ibid., Evidence of William Bain.

McKay's Bill of Suspension against his sentence in the Sheriff Court of a public whipping and banishment from the city of Edinburgh for life was only partly successful - he was spared the public whipping.⁹¹ From the evidence available, however, this decision seems to have been unjust. Of five prosecution witnesses whose evidence is given in the papers which accompany the Bill of Suspension only two actually identify the pannel McKay and of these one stated that he was active outside the Lord Advocate's house dressed in a black coat and light pantaloons while the other stated he was encouraging the crowd outside Admiral Duncan's house as well, dressed in a blue coat.⁹² While these accounts are not perhaps as totally contradictory as the defence counsel tried to show, there was some doubt as to whether they were talking about the same person. The other witnesses were called to give evidence only about the general course of the riot and two of them specifically said that they had never seen the pannel before.⁹³ It would appear that the procurator fiscal, the prosecutor in the Sheriff Court, was emulating the superior law officers of the Crown in employing grape-shot indictments in order to secure at least one conviction. Like his superiors, he was relatively successful.

In many ways the King's Birthday riot of 1792, and to some extent that of 1796, was part of the Edinburgh tradition of crowd activity. The Edinburgh people were notorious for the ease with which they formed

91. JC3/48, Books of Adjournal, 5 August 1796.

92. JC26/285, Bill of Suspension by Adam McKay, 5 August 1796. Evidence of John Riddell and William Bain respectively.

93. Ibid., Evidence of Thomas Lamb and David Boyle.

themselves into a crowd to take direct action of one kind or another. Ever since the middle ages when the Blue Blanket, the flag of the Incorporated Trades, had symbolised the power of popular direct action, the Edinburgh crowd had exercised that power. The King's Birthday disturbances did, however, involve something new. The Edinburgh crowd had certainly been involved in politics before, but never in quite this way. Popular direct action in Edinburgh had previously taken the form of intervention on one or other side in the political disputes of other sections of society, notably in the struggles for power which rumbled on for centuries between the monarchy and the aristocracy. One of the few ways the ordinary people of Edinburgh, as elsewhere, were able to express their opinions on national political questions in which they felt they had an interest was by popular disturbance: thus their violently expressed opposition to the Act of Union. Other causes for which the Edinburgh populace took to the streets tended also to be local ones or ones with local aspects. In the eighteenth century perhaps the most notable instance of this sort was the Porteous riot in 1736. On the face of it this was simply a riot against an unpopular local figure but it had wider significance as a protest against the political and social effects of the Act of Union. 94

The King's Birthday riot was different in that the actions of the crowd were aimed against representatives of the ruling élite, such action being inspired not by support for an alternative élite or by a purely localised grievance but by ideas about their own broad

94. See H.T. Dickinson and K.J. Logue, 'The Porteous Riot, 1736', History Today, xxii, 1972, and 'The Porteous Riot: A Study of the Breakdown of Law & Order in Edinburgh, 1736-1737', Journal of Scottish Labour History Society, x, 1976.

political aspirations. Having said that, the King's Birthday riot should not be seen as an example of popular revolutionary fervour. The political awareness, in terms of specific ideological commitments, of the Edinburgh crowd should not be exaggerated. Until 1792 the Edinburgh crowd had tended to take action, for better or worse, in support of the status quo. In June 1792 the people demonstrated actively in favour of a more progressive view of politics, on the side of a democratic, or at least of a more representative, system of government. That their ideas emanated from an awareness of the developing revolution in France seems quite clear.

As well as a growing awareness of new political perspectives, and to some extent providing a social milieu in which that awareness could flourish, there were local, social developments which go some way to explaining the type of disturbance which occurred in Edinburgh on these occasions. A notable social feature of Edinburgh in the second half of the eighteenth century was the movement of the better off out of the heterogeneous old Town to the new and more genteel suburban developments first to the south and then to the north of the city. This had two effects on popular direct action, one social and to some extent psychological and the other purely practical. The practical change which occurred was that the figures of authority - the Lord Advocate, the Provost, and the family of Henry Dundas for instance - were to be found in the fine squares of Georgian Edinburgh, not in the high tenements of the High Street. As targets of mob activity, the houses in the squares of the first and second New Towns were more easily identifiable and direct action could be much more selective than it could in the crowded tenements of the Lawnmarket, High Street or Canongate.

The social effects are more problematical. E.J. Hobsbawm has described the odd relationship which existed between the people of such cities as Rome, Naples, Palermo and Vienna and their rulers. This relationship was made up of almost equal parts parasitism and riot; that is the people in such administrative centres depended upon the ruling class for their existence, in giving or attracting employment through their prestige and power, but if for some reason the people were not so supported then riot or the threat of it could be used to remind the rulers of their duty to provide work or relief.⁹⁵ While it cannot be said that Edinburgh was a city of the type mentioned, there were certain similarities in the social structure. For several centuries Edinburgh had been the administrative and legal capital of Scotland and as such it had attracted the aristocracy, the lawyers and the administrators. By the eighteenth century the aristocratic numbers in the population had declined but the lawyers remained. The system of land tenure, and the topographical features of the ridge between the Castle rock and Holyrood on which the city grew up both meant that buildings tended to be piled on top of one another and combined to produce a more or less socially heterogeneous urban population in which High Court judges rubbed shoulders daily with day-labourers. This by no means meant that the Edinburgh population did not indulge in riotous behaviour: on the contrary, as we have said, the Edinburgh crowd was notorious, but it tended to act on the side of one or other third party. When the Edinburgh upper and middle ranks of society moved out of the high lands into the more spacious and comfortable suburban developments of George Square or adopted the gracious living of the second New Town across the Nor' Loch, then the social heterogeneity was broken. The bond

95. E.J. Hobsbawm, Primitive Rebels, (Manchester 1959), pp 114-116.

between sections of society was severed not only because the Edinburgh bourgeoisie was separated from the ordinary people by their economic power but also because they were now physically separated by distance and by place of residence. The ordinary population also lost some of the employment opportunities created by middle and upper class patronage. There were now, therefore, fewer social constraints on a crowd attacking the houses of the powerful in George Square than if they had been on the High Street, cheek by jowl with those who made up the crowds. When the Bourbons in France exchanged a riotous but loyal Paris for a peaceful Versailles where riots were more manageable, they lost much of that Parisian loyalty along with its great political advantages.⁹⁶ When the Revolution came, the Paris crowd was instrumental in overthrowing the monarchy. Less spectacularly in 1792, and again in 1796, the Edinburgh crowd was free socially, psychologically and practically both to adopt in general terms a new and progressive political ideology and to demonstrate violently in its favour and against its enemies.

One question worth considering is the absence in the King's Birthday riots of any element of the 'Church and King' mob. Such a mob in Manchester attacked a dissenting chapel and a Unitarian meeting house on 4 June, 1791, the King's Birthday,⁹⁷ and the Priestley riots in Birmingham are well known. Part of the explanation for the absence of the 'Church and King' element is perhaps to be found in R.B. Rose's argument with regard to the latter disturbances. His thesis is that

96. Ibid., p.115.

97. Thomas Walker, A Review of some of the Political Events which have occurred in Manchester during the last Five Years, (London 1794) pp.39-40.

there were strong social causes for the Priestley riots and that the disturbances were at least as much against the new social order represented by Priestley and his friends as against their religious and political position. Rose describes the Priestley riots as

an explosion of latent class hatred and personal lawlessness triggered off by the fortuitous coming together of old religious animosities and new social and political grievances ... 98

In general Edinburgh did not see very much popular violence directed towards religious minorities, although in 1779 there were anti-Catholic disturbances caused by the same legislative proposals for Catholic relief which caused the Gordon Riots in London the following year. On the one hand Edinburgh people were accustomed to the sectarian splits within the presbyterian churches while on the other groups like the Unitarians were few and far between. A more general explanation of this point concerns the different nature of the established churches in England and Scotland. In the first place the Episcopalian Church of England always preached an acceptance of lawful authority and emphasised the doctrine of passive obedience, while the presbyterian Church of Scotland was not in theory so committed to support the secular order. Secondly, despite the Moderate ascendancy in the Church of Scotland, the ties between it and the Government tended to be weaker than those between the Church of England and the Government. Ministers of the Church of Scotland, especially the Evangelicals, were less likely to preach highly conservative ideology to the people than many of their

98. R.B. Rose, 'The Priestly Riots of 1791', Past and Present, xviii (1960), 68-88.

English counterparts despite their shared dislike of the new democratic political ideas.

Despite the apparent absence of popular animosity towards Unitarians, some of those in power regretted it. In March 1792 the Lord Advocate, referring to an announcement that the Unitarians were to set up a meeting place in Edinburgh, wrote

my hope is the good people of Edinburgh will rise
and pull down the house to pieces, and sure I am
their conduct in doing so should be winked at.⁹⁹

As we have seen the people of Edinburgh rose but nearly pulled down the Advocate's own house and their conduct in doing so was not winked at. In Edinburgh, it would be fair to say that the equivalent of Birmingham's rising industrial middle classes were the lawyers and professional middle classes, symbolised and led by men like Robert Dundas and his uncle Henry Dundas. Without wishing to push the analogy too far, and bearing in mind the other factors already discussed, in a sense the popular feelings which gave rise to the Birmingham Priestley riots, in Edinburgh found expression (in 1792) in the King's Birthday riot.

Heard ye o' the Tree o' France
And wat ye what's the name o't?
Around it a' the partiots dance -
Weel Europe kens the fame o't! ¹⁰⁰

The Tree of Liberty was the symbol of liberty, equality and

99. Edinburgh University Laing MSS, No. 294, Robert Dundas to J. Davidson, (London), 19 March 1792.

100. Robert Burns, 'The Tree of Liberty', verse 1, lines 1-4.

fraternity, and trees were planted in many towns and villages in Scotland. Effigies, like that burned in George Square, Edinburgh, described above, were paraded and burned in various parts of the country. Of most of these demonstrations very little is known; apart from Edinburgh a few details are known only about disturbances in Perth and Dundee while we have some information about an incident which failed to take place at Banff. Burns' poem, 'un echo du "ca ira"',¹⁰¹ and possibly the most extreme development of his political thought,¹⁰² reflects the enthusiasm of many of the people for the ideas of the French Revolution and of Tom Paine -

I'd gie the shoon frae off my feet
To taste the fruit o't here, man! ¹⁰³

What Burns celebrated in song, many ordinary people celebrated and demonstrated more actively throughout Scotland.

In June, Aberdeen, Perth, Dundee, 'and almost every village in the North of Scotland' burned Dundas in effigy. At Peebles 'the Right Hon. Secretary has twice undergone the fire ordeal, and passed through the flames unhurt'.¹⁰⁴ Even earlier, in May, Lanark was 'in a very disagreeable State of Tumult and disorder' for eight days. The Provost

101. A. Angellier, Robert Burns, (Paris, 1893), ii, 203, 205.

102. T. Crawford, Burns: A Study of the Poems and Songs, (Edinburgh, 1960) p.246

103. 'The Tree of Liberty', verse 11, lines 3-4.

104. Historical Register, June 1792; quoted in H. Meikle, Scotland and the French Revolution, p.81.

and Magistrates were threatened, incendiary letters were dropped in the street and finally 'one or two Guns or Pistols, loaded with Balls were discharged at the Windows of the Provost's house and into the room where he usually Sat and was sitting at the time'. The Provost only narrowly escaped injury. Ostensibly the disturbances were about a decision of the Magistrates to feu part of the burgh muir -

But the real cause is, an almost universal Spirit of Reform and opposition to the Established Government and Legal Administrators, which has wonderfully diffused through the Manufacturing towns of this Country. 105

This letter from the Provost, however, may have overstated the case since in September 1792 Roger Young, a shoemaker from Lanark, was indicted for threatening to destroy the lives of the lieges by sending threatening letters to the Provost. The letters were all on the subject of the intention to dispose of part of the burgh muir. 106 There is nothing in the incendiary letters produced in evidence which implies any connection with reform politics and reference to this by the Provost may well, therefore, have been a red herring to distract attention from the Town Council's activities.

While the King's Birthday riot at Edinburgh was, in terms of expressing popular anti-Government sentiments and demonstrating at least the beginnings of democratic opinions, a spectacular success, a

105. H.O. Corr., RH2/4/63, ff.32-32v., William Honeyman to Henry Dundas, 8 May 1792.

106. JC26/266, H.M. Advocate v. Roger Young, 21 September 1792.

similar but unsuccessful attempt was made in the Summer of 1792 to get popular support for a King's Birthday demonstration in Banff. It was reported by the Earl of Fife, Lord-Lieutenant of Banffshire, that members of a reforming club, The Universal Liberty Club, were busy on 2 June going through the town trying to stir the people up to cause a disturbance on the King's Birthday. They were urging the inhabitants to burn 'the Effigy of a Gentleman High in the Service of the State' i.e. Henry Dundas, to whom the Earl of Fife was addressing his information. The magistrates decided to publish the Government's proclamation against riots and, while this was being done through the streets by the town crier, Alexander Leith, a distiller from neighbouring Portsoy and President of the Universal Liberty Club, tried to stir the people up against the Government but then 'chose instantly to walk off himself', a typical agitator from the respectable classes in Fife's view. In order to prevent the expected disturbance the magistrates of Banff decided to seize the effigy and, on 4 June, called on the 'substantial householders' to keep the peace. They also enlisted forty of the Provost's own salmon fishermen, armed with bludgeons. In the event, therefore, this particular anti-Government disturbance came to nothing and the few boys who tried to assemble in the town were dispersed with ease.¹⁰⁷ The idea of a King's Birthday riot was not therefore confined to Edinburgh but the scale and success of the Edinburgh disturbance is in marked contrast to the ease with which the threat of a disturbance was handled in Banff. Clearly, however, the spontaneity of the Edinburgh riot was totally missing in Banff and the apparent

107. H.O. Corr., RH2/4/63, ff.97-100, Earl of Fife to Henry Dundas, 13 June 1792.

attempts by Alexander Leith to urge the people to demonstrate were somewhat ham-fisted and likely to ensure that no-one was prepared to take part in the effigy burning or demonstration rather than the opposite.

The disturbances in the Summer of 1792 were followed, after a period of calm, by more unrest in November and December when the French victory at Jemappes and the entry of Doumouriez into Brussels provided another stimulus to popular action. Trees of Liberty were erected at Stonehaven, ¹⁰⁸ Aberdeen, ¹⁰⁹ Fochabers, ¹¹⁰ Auchtermuchty and Strathmilgo. ¹¹¹ At Newburgh a plan to burn several effigies of members of the Establishment was foiled by the presence on the streets of the town on the appointed day of the burgess guard, although 'ten or a dozen Raggamuffin looking Fellows from Auchter^{my}' were seen leaving Newburgh when they realised these measures had been adopted. ¹¹² Although undocumented, the impression gained from the Government's reaction is that disturbances such as these were relatively widespread. However, the sort of incidents which most concerned the authorities were the disturbances at Perth and Dundee during this period.

Perth was one of the strongest centres for reform politics in

- 108. H.O. Corr., RH2/4/65, f.156v., Mrs Susan Blan to (? Robert Dundas), 19 November 1792.
- 109. H.O. Corr., RH2/4/66, f.235., George Aldiss, Provost of Aberdeen, to Lord Adam Gordon, 5 December 1792.
- 110. H.O. Corr., RH2/4/68, f.60v., Kenneth MacKenzie to William Pulteney, 3 January 1793.
- 111. H.O. Corr., RH2/4/66, ff.260-260v., Claud Boswell, Sheriff of Fife to Robert Dundas, 9 December 1792.
- 112. H.O. Corr., RH2/4/67, ff.408-408v., John Brown to Robert Dundas, 19 December 1792.

Scotland, its associations with the Friends of the People seems to have begun quite early and, as we have seen,¹¹³ radical reformers if not revolutionaries were active there in 1797 and beyond. An anonymous report in October 1792 put the numbers of the Friends of the People in Perth at 1200, including both 'persons of some little respectability in the Town' and a 'vast number' of weavers and other 'operative people'.¹¹⁴ On 6 November an unidentified effigy (probably of Henry Dundas himself but his correspondent was too polite to say so) was carried around the streets of Perth by a journeyman dyer dressed in women's clothes. It was believed that the straw for the effigy had been supplied by William Bisset a local surgeon and its coat by James Wylie, merchant.¹¹⁵ The latter was the praeses or chairman of the local Friends of the People while the former was one of its leading members.¹¹⁶ During this period it was not uncommon, according to the Sheriff-Depute to hear boys in the street crying 'Liberty, Equality and No King'.¹¹⁷ When news that Dumouriez had entered Brussels reached Perth, another anonymous correspondent asserted that the people in Perth had gone 'quite mad about Liberty and Equality'. There were always reports of riots here and there in the country, and he went on,

113. See above chapter 3.

114. H.O. Corr., RH2/4/64, ff.341-341v., Anon. to Henry Dundas (October 1792)

115. H.O. Corr., RH2/4/65, f.86, David Smyth, Sheriff of Perth, to Henry Dundas, 24 November 1792.

116. H.O. Corr., RH2/4/64, ff.341-341v., Anon. to Henry Dundas, (October 1792)

117. H.O. Corr., RH2/4/65, f.86, David Smyth to Henry Dundas, 24 November 1792.

The Tree of Liberty was planted with great Solemnity in this town and a great bonfire with ringing of bells and a general Illumination upon hearing that General Dumourier had entered Brussels. The lower class of People talk of nothing but Liberty and Equality - 'No Dundas - No Bishops - and No King. Nothing but a Republic for us'. Such is the Spirit of the Times. ¹¹⁸

Unrest, if not actual disturbance, continued until the end of the year in Perth and handbills and placards against the plan for a loyalist association were distributed and pasted up in the town towards the end of December. ¹¹⁹

While sporadic disturbances and general unrest appeared in Perth, twenty miles down the Firth of Tay at Dundee a larger disturbance took place over a much shorter period. For two weekends and the intervening week crowds were active on the town's streets, initially in response to the news that the French had entered and, in the prevailing view, liberated Brussels on 14 November. On Friday 16 November a few people assembled on the High Street carrying a fir tree which they intended to plant as a Tree of Liberty. No sooner was the tree planted than some young 'gentlemen' came past and pulled it down. The small crowd slowly dispersed. ¹²⁰ This reaction was, however, the calm before the storm and on the following Monday handbills were circulating in Dundee, urging all to meet on the Tuesday to avenge this insult to the people. ¹²¹

118. H.O. Corr., RH2/4/67, f.438, Anon. to Alexander Todd, 15 December 1792.

119. Ibid., f.503, David Smyth, Sheriff of Perth, to Henry Dundas, 29 December 1792.

120. H.O. Corr., RH2/4/66, f.258, Alexander Riddoch, Provost of Dundee to Robert Dundas, 8 December 1792.

121. H.O. Corr., RH2/4/65, f.34, Mrs Susan Blan to Henry Dundas, 24 November 1792.

A crowd of several hundred people did in fact gather on the Tuesday evening at about 5 pm. By 7 pm the crowd had become 'somewhat riotous': several effigies were burnt, including one representing one of the young men who had uprooted the Tree of Liberty, while a 'stout man' was made to carry a blazing tar barrel at the head of the crowd through the streets.¹²² Their destination was the house of a Mr Webster in Hawkhill, the father of one of those who had aroused the wrath of the crowd by uprooting the Tree of Liberty. Webster's gate, front railings and the front windows were stoned and demolished by the crowd.¹²³ Another of the crowd's targets were the lodgings of a Lieutenant John Fyffe who had made himself not a little unpopular with many of the people by his behaviour towards Thomas Fysche Palmer the Unitarian minister who was then the reputed leader of the reformers in Dundee¹²⁴ and who, in 1793, became one of the 'political martyrs' transported to Botany Bay. Fyffe had refused to play whist at the same table with Palmer and referring to reform had threatened him that,

if he ever presumed to mention such a subject in his presence, he would break every bone in his body.¹²⁵

Popular action against Fyffe was not marked with much success. At first the crowd attacked the house next door to Fyffe's lodgings and then, being appraised of their mistake, when they began to stone the

122. H.O. Corr., RH2/4/66, f.258v., Alexander Riddoch to Robert Dundas, 8 December 1792.

123. H.O. Corr., (Suppl.), RH2/4/207, p.373, Alexander Riddoch to Robert Graham (senior), 21 November 1792.

124. *Ibid.*, p.378, Memorandum of Robert Graham (senior), 22 November 1792.

125. *Ibid.*, p.406, Robert Graham, (junior), to Robert Graham, (senior), 25 November 1792.

proper target they discovered that Fyffe's landlord had very recently died and his corpse lay inside the house. The crowd then left. ¹²⁶

On their return to the centre of Dundee the crowd went to Provost Riddoch's house to demand his permission to ring the town's bells. They found him away from home but just took the keys of the bell-tower from their custodian and began to ring the bells anyway. ¹²⁷ For three-quarters of an hour they rang the bells ¹²⁸ before the Provost returned and managed to persuade the ringers to desist. Riddoch felt he had some influence over the crowd since they gave him many cheers, 'but', he quickly added, 'I am not proud of my new connections'. ¹²⁹ Having stopped ringing the bells, an activity which had not had the desired effect of increasing the numbers of the crowd anyway, the crowd which remained collected casks, crates and other combustibles for a large bonfire on the High Street. The bonfire was kept burning all night and a Tree of Liberty was paraded round it before being fixed to the front of the Town House. It only remained there until the following day but on the Friday another Tree was put up in the market place where it remained until it was finally removed on Riddoch's orders on the Sunday. With the arrival on Monday of two troops of Dragoons, Dundee returned to normality, ¹³⁰ while law and order was further guaranteed by the despatch of a frigate and a sloop from Newcastle. ¹³¹

126. Ibid.

127. Ibid., p.373, Alexander Riddoch to Robert Graham (senior), 21 November 1792.

128. Ibid., p.415, John Fyffe to Robert Graham (senior), 25 November 1792.

129. Ibid., p.373-4, Alexander Riddoch to Robert Graham (senior), 21 November 1792.

130. H.O.Corr., RH2/4/66, f.259 Alexander Riddoch to Robert Dundas 8 December 1792.

131. H.O. Corr., (Suppl.) RH2/4/207, p.403, Col. De Lancey to Edward Nepean, 26 November 1792.

Different witnesses attributed different causes to the disturbances in Dundee. James Mitchell, the Superintendent of Excise at Dundee, emphasised the anti-excise aspects of the disturbances. The rooms of several of the excise officers were in fact attacked on the Tuesday night and an attempt was made to break into the Custom House.¹³² The excise officers were certainly even less popular than usual since they had refused to allow the unloading of a ship load of meal from Berwick, which had been in harbour for sixteen days, since they claimed that to do so was contrary to a clause in the recent Corn Laws.¹³³ The crowd were prepared to unload the vessel by force had the Provost not persuaded their representatives that he would get authority to have the vessel unloaded the following day.¹³⁴ As it happened a dispensation was obtained from the Board of Customs at Edinburgh to enable the cargo to be unloaded; the rules thus being 'bent' in an attempt to avoid a clash.¹³⁵ While Provost Riddoch attached little importance to this aspect of the disturbances, the Superintendent of Excise was, not surprisingly, most concerned and in writing to the Secretary of the Excise Board concluded that,

it is almost needless to inform you that the brewers are at the bottom of all this business ... all in revenge for the watchmen and new mode of survey.¹³⁶

- 132. *Ibid.*, pp.389-390, James Mitchell to the Secretary of the Excise Board, 22 November 1792.
- 133. H.O. Corr., RH2/4/66, f.258, Alexander Riddoch to Robert Dundas, 8 December 1792.
- 134. *Ibid.*, f.258v.
- 135. *Ibid.*, f.203v., George Dempster to William Pulteney, 1 December 1792.
- 136. H.O. Corr., (Suppl.) RH2/4/207, p.390, James Mitchell to the Secretary of the Excise Board, 22 November 1792.

The view held by Lieutenant Fyffe and his friends was that the whole episode was caused by the efforts of the Unitarian minister and reformer already mentioned, Thomas Fysche Palmer, to get revenge for his treatment in public at Fyffe's hands.¹³⁷ It was almost certainly not part of Palmer's doctrine to raise mobs against his personal enemies and even if it had been this view probably exaggerates his influence in Dundee. At the same time, the fact remains that Fyffe's lodgings were attacked by a hostile crowd and it is unlikely that this was unconnected with his behaviour towards Palmer - behaviour which must have been well known in the town, as Fyffe clearly intended it should be. In such a highly-charged atmosphere a group of ordinary people, some of whom may admittedly have been acquainted with Palmer, did not require instructions from a Unitarian minister on how to react: the breaking of the windows of an unpopular figure was standard practice.

Lieutenant Fyffe himself also had another theory, that the source of all the trouble lay in the weavers of Forfar and Kirriemuir, 'who seem to be the most inflammatory set of scoundrels I have ever heard of'. There the reformers had instilled the common people with such notions,

as the meaning of the word Liberty and Equality is nothing else than an equal distribution of property, a relief of Taxes and such other Stuff, which has been greedily swallowed by the Multitude.¹³⁸

137. *Ibid.*, p. 406, Robert Graham (junior) to Robert Graham (senior), 25 November 1792.

138. *Ibid.*, pp. 417-8, John Fyffe to Robert Graham (senior), 25 November 1792.

Forfar and Kirriemuir, small hand-loom weaving communities, were indeed likely sources of radical reforming principles but Dundee was equally capable of producing its own champions of reform in the relatively moderate form of Thomas Fysche Palmer or in the more radical or revolutionary shape of George Mealmaker who remained an active reforming enthusiast and agitator until his final arrest in 1798. It was not necessary, therefore, for Fyffe to look beyond Dundee for the principles he so much abhorred or for those prepared to demonstrate in their support, although it is not unlikely that some Forfar and Kirriemuir people would have been attracted to Dundee.

Provost Riddoch's own conclusion about the whole episode was that the people of Dundee had developed 'a fancy of a tree of liberty' ¹³⁹ and the events of the week seem to bear this out. That some people were also concerned about the operation of the excise officers is borne out by the papers which, even after the disturbance had subsided, were thrown in their path:

No King
No Gager
Liberty 140

Anti-excise opinion in this sort of handbill, however, only accounts for one third of the sentiments of the writer and the rest are anti-monarchical at least and possibly revolutionary. It can be argued

139. Ibid., p.393, Alexander Riddoch to Robert Graham (senior), 24 November 1792.

140. Ibid., p.410,412, James Mitchell to Adam Pearson, Excise Officer, 25 November 1792.

that the most important factor in these disturbances at Dundee was the desire among a significant section of the community to celebrate the French Revolutionary Army's victories in Europe and to demonstrate their attachment to the ideas of Liberty, Equality and Fraternity by planting a Tree of Liberty in the centre of the town. It is likely that the disturbances were prolonged by the interference of the young loyalist gentleman who uprooted the Tree and by the anti-reforming pronouncements by Lt. Fyffe. The secondary factor, opposition to the operation of the Corn Laws and to the excise officers themselves, was no doubt present in the motives of many if not most of those involved in the disturbances but it remained secondary and it was the Tree of Liberty which kept the popular activity going, it being planted and replanted on three separate occasions.

The political trials for sedition, after which the 'political martyrs' Thomas Muir, Thomas Fysche Palmer, William Skirving, Joseph Gerrald and Maurice Margarot were sentenced to transportation to Botany Bay for their activities in the British and Scottish Conventions of the Society of Friends of the People, were, with one exception, not accompanied by much popular activity.¹⁴¹ The exception was the trial of Maurice Margarot, delegate to the British Convention from the London Corresponding Society. His trial was preceded by a political demonstration rather than a popular disturbance but it was in a way

141. For the activities of the reform societies and their leaders and the state trials, see Mickle, *op. cit.*, Chapters, v, vi, and vii, *passim*. For Thomas Muir in particular see K.J. Logue 'Thomas Muir', in Gordon Menzies, ed., *History is My Witness*, (London 1976), pp.13-37.

fitting that his trial should have been a source of trouble to the authorities in view of his reputation as a radical, his insolent and popular refusal to kowtow to Lord Justice-Clerk Braxfield and his description by the Lord Advocate as 'the most daring and impudent Villain of the Whole Gang'. ¹⁴²

Margarot's trial had to be postponed for a few days because of the Lord Advocate's ill-health until 13 January 1793. During the respite Margarot and his friends arranged for a large procession to accompany him to the court on the Monday. ¹⁴³ Handbills were circulated in the town urging 'Friends of freedom' to assemble outside Margarot's lodgings in the Black Bull Inn in Leith Street to accompany him, 'delegated by upwards of Fifty thousand persons in London', to the Parliament House for his trial. ¹⁴⁴ As hoped by the reformers, and feared by the authorities, a sizeable crowd did assemble on the Monday morning to go along with the delegate from London to his trial in Edinburgh. For their part, however, the authorities assembled in equal if not superior numbers, the Magistrates, the Sheriff, the constables, the trained bands and many 'respectable inhabitants' having met at the Merchants Hall 'to be in readiness to stop Marg. [sic] and his retinue if they came in an improper manner'. ¹⁴⁵ At 10 am the reformers' procession appeared on the North Bridge, with Margarot at its head beneath a banner inscribed

142. H.O. Corr., RH2/4/74, f.77v., Robert Dundas to Henry Dundas, (12 January) 1794.

143. Ibid., f.74, William Scott, Procurator-Fiscal, to Henry Dundas, 13 January 1794.

144. Ibid., f.91, Handbill, 13 January 1794.

145. Ibid., f.75, William Scott to Henry Dundas, 13 January 1794.

'Liberty and Virtue, Reason, Justice and Truth', the supporting poles representing Trees of Liberty. The procession was met on the bridge by the assembled representatives of law and order backed up by about a hundred naval ratings sent from Leith for the purpose and held in reserve in Old Assembly Close.¹⁴⁶ The magistrates and their assistants seized the banner and its bearers, Margaret was conducted 'in a decent manner to the Parliament House' while the rest of the procession was forced to disperse in the opposite direction.¹⁴⁷ In the evening, after the first day of the trial was over, about 150 people assembled in the King's Park near Holyrood Abbey with the intention, according to the Lord Advocate, of attacking the Provost's and his own house but, after parading the streets in the Abbeyhill and Canongate area for half an hour, they dispersed. Another small crowd assembled but quite quickly and quietly dispersed on the following evening.¹⁴⁸ The repressive measures of the Government had had their effect and very few people were prepared to join the remaining active reformers whose own enthusiasm for publicising their commitment was itself waning. While the Government's repression produced underground political organisation in the form of the United Scotsmen, it clearly inhibited overt political demonstrations. Between 1794 and the end of the Napoleonic War the Tree of Liberty as a symbol of democratic freedom appeared only very seldom: its use was revived, for instance, in Ayrshire during the Militia riots of 1797.¹⁴⁹

146. *Ibid.*, f.79, John Wauchope to Henry Dundas, 13 January 1794.

147. *Ibid.*, f.75v., William Scott to Henry Dundas, 13 January 1794.

148. *Ibid.*, f.83v., Robert Dundas to Henry Dundas, 15 January 1794.

149. H.O. Corr., RH2/4/86, ff.200-200v., Earl of Eglinton to Duke of Portland, 27 August 1797.

Popular direct action is usually regarded as an alternative to politics or as a very particular form of political action. Its use in association with more normal political action is therefore limited. We have seen two aspects of this, first in the old-style mob involvement in a traditional eighteenth-century election and then in a more progressive, or at least positive, popular involvement in the political ideas of the French Revolutionary period. The contrast between the two may not have been as stark as at first appears. For instance, the violence at the Renfrew election may have stemmed in part from popular opposition to the election of an anti-American member and in part as a reaction to the arrangement by which the seat had been divided between the two most powerful factions in the county. With reference to the latter point, although the mass of people were disenfranchised anyway this exercise in arrogance could only serve to underline the power of the very few at the top of society. It is fair to assume that these matters did not go without discussion and some comment in the growing weaving towns and villages of Renfrewshire. While the corruption at the Dunfermline election contributed in a negative sense to the popular violence there, there is little about the incidents there which can be said to be progressive. The politics of the unreformed Scottish burghs were particularly venal and the disturbances in Dunfermline only serve to underline that fact.

The disturbances associated with the political ideas thrown up by the French Revolution and popularised by Tom Paine provide a rather more complicated problem for the historian. Were those who took part in the King's Birthday riots all imbued with democratic enthusiasm, fired up by reading the Rights of Man? Or were they indulging in the

same sort of activities as some of their antecedents had done in 1736 when Captain Porteous was lynched? The evidence above suggests that those involved in the King's Birthday riots were at least moving towards a positive, progressive view of their own political importance and of their rights as men. Their demands, inchoate and non-specific, were for more say in the political life of the country. Their protests were directed solely against those who already had political power; against the Lord Advocate, chief law officer in Scotland and effectively Minister for Scotland, the Lord Provost of Edinburgh, the leader of the local oligarchy, and Henry Dundas, the British Home Secretary, Scotland's political manager, and 'de facto King of Scotland'. 150

The same can be said of the other demonstrations of the 1790s. The Trees of Liberty were concrete symbols of political freedom and their significance cannot be mistaken. What proportion of the population was involved in or committed to these demonstrations is, of course, unknown. Some rioters were, however, committed to the new ideology and, without necessarily being an overwhelming majority, their numbers were significant enough to give the Government some trepidation. Along with the political activities of the Society of the Friends of the People and the other reforming societies in England, these disturbances were sufficient to make the Government feel threatened and introduce politically repressive measures to counter such activities. This they did with some success, driving political opposition to the status quo underground and, with the important exception of the Militia Riots in 1797, keeping

150. H.W. Meikle, Scotland and the French Revolution, 67.

popular protests of an overtly political nature off the streets until after 1815. The Government, therefore, thought that these disturbances were dangerous because they were inspired by a political philosophy completely opposed to its own; the evidence above suggests that they were probably correct in that judgement.

CHAPTER FIVE

THE CLEARANCES

1. Introduction
2. Bliadna Nan Caorach, 1792
3. Kildonan, 1813
4. Conclusion

1. INTRODUCTION

The Highland Clearances are an emotive and tragic chapter in the history of Scotland. They were not, however, meekly accepted by the victims as this chapter seeks to show. On at least two occasions in our period small tenants resisted attempts at eviction by Highland landowners who preferred the profit from sheep farming to the economic and social wellbeing of their erstwhile clansmen. In 1792 the people of Easter Ross rounded up the sheep which already grazed there and drove them southwards into Invernessshire. When the Kildonan people discovered in 1812 that their lands had been laid out as large sheep farms and that they would have to leave, they tried to resist by direct action. These incidents cannot, however, be seen in isolation and must be put in the perspective of the disintegration of the structure of Highland society.

In the mid-eighteenth century the Highlands of Scotland was the last stronghold in Western Europe of a kin-based society. That society has recently been described as one in which

the descent group, defined genealogically and institutionalised as the tribe or clan, was the focus of all social, economic and cultural activity.¹

Duncan Forbes of Culloden, the principal Government representative in Scotland in the 1740s, tried to explain the nature of the clan. It

1. J. Hunter, The Making of the Crofting Community, (Edinburgh, 1976), p.7. This and the following paragraphs are largely based on Dr Hunter's work and on conversations with him.

was, he said,

a set of men bearing the same surname and believing themselves to be related the one to the other and descended from the same common stock. In each clan there are several subaltern tribes ... but all agree in owing allegiance to the Supreme chief of the clan or kindred and look upon it to be their duty to support him at all adventures. ²

The clan lands were organised so that the chief could maximise his military support. Most of the land was held by tacksmen who were the chief's military lieutenants and, generally, his kinsmen. They sub-let most of their holdings to sub-tenants who, along with their own sub-tenants, the cottars, did the agricultural work necessary. Agricultural efficiency, however, was secondary to the military needs of the chiefs and the status a large following of clansmen endowed on them.

As the eighteenth century progressed, economic, political and, above all, social pressures built up on Highland society. The chiefs had always dabbled in British politics and in the eighteenth century this habit increased. The Highlands had always posed a strategic threat to Scottish and then British Governments which could not exercise effective control over the area and which feared what was, from their point of view, a power vacuum. The Highlands were a reservoir of support for Jacobitism and a convenient springboard for attempts to restore the old house of Stewart - and for French interference in British affairs. The eventual military failure of Jacobitism at

2. Quoted in J.Prebble, Culloden (London 1961), p.35.

Culloden was only the beginning of a massive assault on the social and political institutions of clanship. The establishment of law and order through a British military presence meant that the chiefs no longer required the military services of their clansmen. Consequently, the chiefs' social status depended more and more on the amount of money at their disposal. This provided the incentive to exploit their land commercially. Previously, because of the bonds of kinship and mutual obligation on which the clan was based, the introduction of impersonal money relationships could not be contemplated. The incorporation of the Highlands into the social and political system of Great Britain made it possible for the chiefs to abandon the role of tribal patriarch and to adopt that of commercial landlord. By the end of the eighteenth century the transition was more or less complete. The social structure which had supported the clan system was not, however, entirely swept away, rather it was decapitated. The new Highlands landlords no longer required or accepted the social relations of the clan, but

the mental attitudes and beliefs engendered by the Highlands' traditional social system could not be so easily erased.³

The small tenants were left, dispirited and demoralised, to face the cold economic wind of improvement which blew over the Highland area.

'Improvement' of Highland estates meant clearing the existing tenants to make way for sheep. The demand in the industrialising south was for wool and sheep-farming required to be done on a large

3. Hunter, op. cit., p.12

scale to be profitable to the farmer and to the landlord. The small tenants had to go. For the first decades of the nineteenth century, however, they were not to be allowed to leave the country: capitalism had other uses for them. The other staple of the Highland economy was kelp, an alkaline seaweed extract used in making soap and glass, and the gathering of kelp required a large labour force. In much of the Highlands, but particularly in the north-west and on the Islands, therefore, the labour of the small tenants was directed into the production of this essential chemical. Kelp, it should be said, was not a factor in the disturbances mentioned below since those protesting in 1792 were mostly still in possession of their holdings and the plan in Kildonan was for a seaside settlement for fishing. Sheep on the other hand, were a crucial factor.

In the spring of 1782 Patrick McVean, tacksman of Tulloch in Breadalbane and Walter Grieve, a sheep farmer from Strude in Selkirkshire, went to the public house at Letterfinlay on the shores of Loch Lochy in Lochaber, Inverness-shire. They had come to look at part of the lands of George Cameron of Letterfinlay with a view to leasing it as a sheep-farm. On the evening of 28 May, John Cameron MacInnes, known as Ianduie, and a group of women set upon the sheep-farmer and beat him up. The following day, while McVean and Grieve were making their way back to Fort William, MacInnes appeared from behind a wall and, after giving them a great deal of abusive and threatening language, fired several shots at them.⁴ A few years later 'a combination ... to

4. JC11/34, North Circuit Minute Book, xxxii, Ind. against John Cameron MacInnes, 10 May 1783.

steal and destroy the sheep and lambs of Mr Geddes', a farmer from Perthshire and a tenant of Sir John Ross of Balnagowan,⁵ was alleged to have occurred in Strathoykel, on the border of Sutherland and Ross.⁶ The aim of the combination was to force Geddes to give up his sheep farm and to compel Ross to return it to its former use for grazing black cattle and to its former, evicted small tenants.

Both of these incidents were early and unsuccessful attempts to prevent by direct action the introduction of sheep-farming into the Highlands. This process had started in Perthshire and Dunbartonshire in the 1760s⁷ and very shortly after that Sir John Ross introduced sheep into his estates in Sutherland and Ross.⁸ The incidents at Letterfinlay and in Strathoykel indicate that the process was by no means popular. The introduction of sheep and the formation of sheep farms, at least in the manner it was actually accomplished, was incompatible with the continued existence of the indigenous Highland society and it is clear that not only were the ordinary people of the area aware of this but also that some of them were prepared to take direct steps to try to prevent the destruction of their way of life.

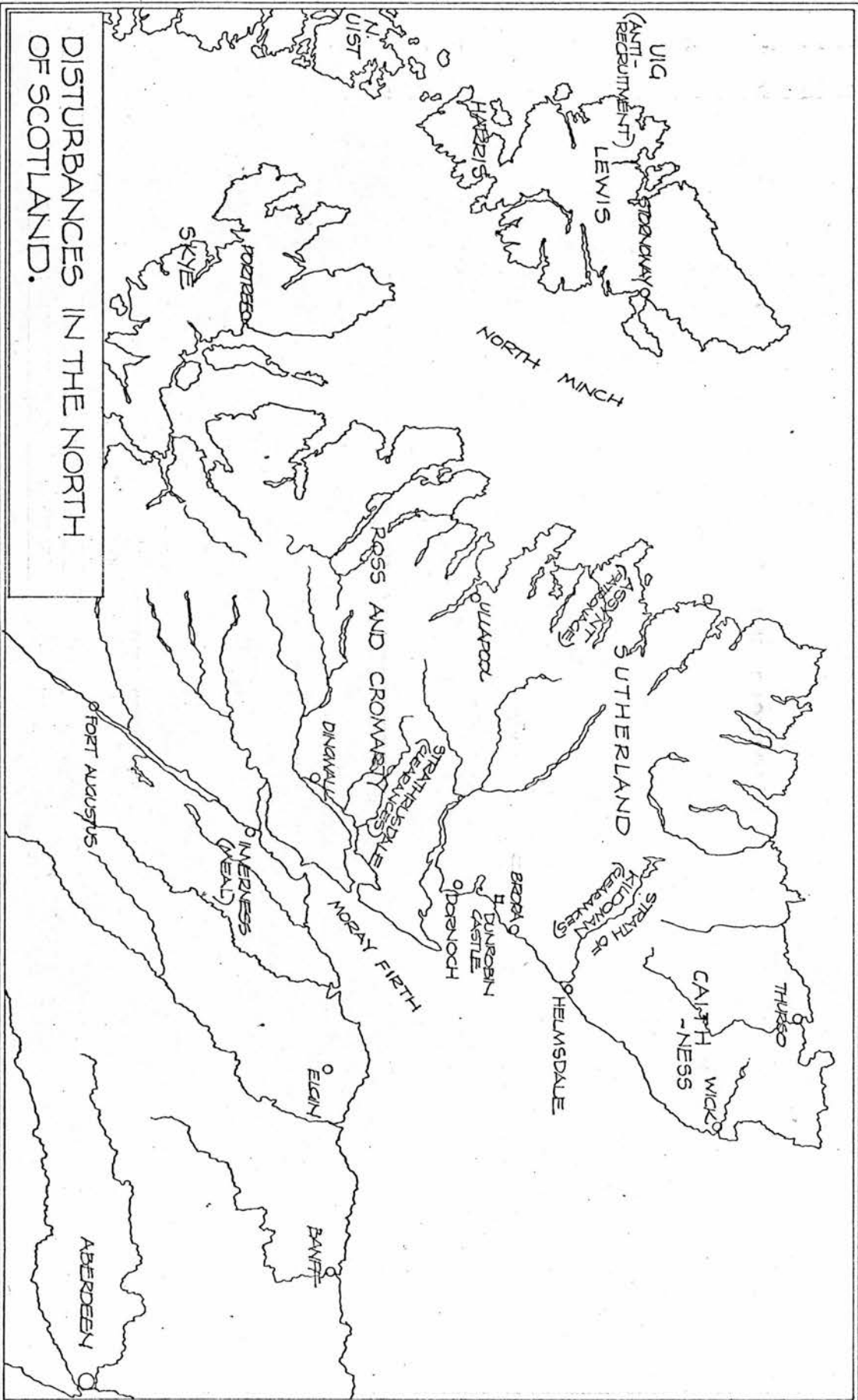
The eviction or clearances which resulted from the creation of

5. Sir George Stewart MacKenzie, A General Survey of the Counties of Ross and Cromarty, (London, 1810) p.129
6. H.O. Criminal Papers, RH2/4/172, p.166, A. Campbell, Advocate-Depute, to Ilay Campbell, Lord Advocate, 27 May 1785.
7. Eric Richards, The Leviathan of Wealth: The Sutherland Fortune in the Industrial Revolution, (London, 1973) p.156 (Hereafter - Leviathan)
8. Sir George S. MacKenzie, op. cit., p.126.

large, single-tenant sheep farms are well documented,⁹ while the academically accepted tradition of the 'heroic stoicism and submission' of the Highlanders in the face of the clearances has recently been successfully challenged by Eric Richards.¹⁰ He shows that from 1800 to 1855 there were at least forty instances of spontaneous resistance to established authority, usually in the shape of Sheriff officers executing eviction notices. He attributes these instances to the general fragility of the system of law and order in the areas concerned, their geographical isolation, the bad terrain and the small establishment of police or militia. The result was often near hysteria among the law officers and landlords at the time of disturbances. He concludes that the Highlander, faced with eviction to make way for the Great Sheep, the Cheviot, was 'not so much naturally submissive as technically limited in his possibilities of effective protest'.¹¹ Apart from the two incidents already mentioned, about which no further details are known, two instances of popular direct action against eviction to make way for sheep occurred in our period.

9. Especially, Alexander MacKenzie, The History of the Highland Clearances, (Inverness 1883, et. subs.) but see also Donald McLeod, Gloomy Memories (Glasgow 1892), John Prebble, The Highland Clearances, (London 1963), Ian Grimble, The Trial of Patrick Sellar, (London 1962). Richards, Leviathan and R.J. Adam, Sutherland Estate Management (2 vols.) (Edinburgh 1972) deal with Sutherland in particular. The most recent and most comprehensive study is James Hunter, The Making of the Crofting Community, (Edinburgh 1976).
10. Eric Richards, 'How tame were the Highlanders during the Clearances?', Scottish Studies, xvii (1) (1973), 35-48. He gives an extensive list of authors contributing to this tradition, pp.35-6
11. Ibid., pp.36-7, 48.

DISTURBANCES IN THE NORTH
OF SCOTLAND.



The first of these, in 1792, which began in Easter Ross but also involved part of Sutherland, rather tends to contradict Richards' assessment of the technical limitations. The people attempted to round up all the sheep of the two counties and drive them south into Inverness-shire where they hoped the people there would take up the drive and rid the area of sheep forever. Potentially, at least, it was possible for the people to do so, indeed they almost succeeded, and it might have been effective. The process of the establishment of sheep farms was not so far forward as to be irreversible and the landed class were not united in supporting the innovation anyway. However, not until the 1880s was direct action to lead to political success and not until the Land Raids of the late nineteenth and early twentieth centuries was it to lead to direct results. The second disturbance in our period occurred in Kildonan, Sutherland, in 1813 and illustrates Richards' point. Once the sheep had become established and, probably crucially, once an estate like that of the wealthy Stafford's had become convinced of the financial returns to be had from them, the possibilities for effective direct action were severely limited.

2. BLIADNA NAN CAORACH

1792 is, in Highland tradition, Bliadna Nan Caorach, 'The Year of the Sheep'. There were three stages to the episode which took place over a period of nearly six months: the establishment of a sheep farm in Kildermorie, a glen immediately south of Strathrusdale which was the centre of subsequent events; the seizure of stray cattle by the sheep farmer there and their violent release by the men of Strathrusdale; and the determination and execution of a plan to drive all the sheep

from the glens and straths of Sutherland and Ross.

The inhabitants of Strathrusdale and of other glens in Easter Ross were in the habit of earning valuable cash-income by grazing the cattle and oxen of farmers from the more lowland part of the country in the summer and autumn months. This appears to have been an extension of the general practice of using upland pastures called summer shielings to graze cattle. This ensured that the land near the human settlement was not over used.¹² The amount they charged was not considerable and it is alleged that, in order to make much money out of the practice, they had to over-stock the hills. At the same time the rents paid by the Highland tenants were increased, forcing up the price of this pasturage, eventually pricing the Easter Ross men out of the market so that by 1792 much of the cattle was being sent to Sutherland. Higher rents were therefore having to be paid at the same time as cash-income from grazing was falling. Sir George Stewart MacKenzie, a disciple of 'Improvement', and the not unbiased source of this information, concluded that,

these circumstances induced the lower classes inhabiting the low country to make common cause with the dispossessed Highlanders,¹³

since the eviction of the Highland tenants meant a loss of hill grazing and thus higher costs to the Lowland small tenants. It is certainly the case that the small tenants of the lowland valley of the river Alness and those of the highland Strathrusdale were aware of a common interest.

12. See R. Miller 'Land Use by Summer Shielings', Scottish Studies, xi, (1967), 193.

13. Sir George S. MacKenzie, op. cit., p.131

in the protection of their inter-dependent way of life.

Two brothers, Captain Allan and Alexander Cameron from Lochaber, took a lease of the farm of Kildermorie from Munro of Culcairn in 1790 or 1791 and stocked it with sheep.¹⁴ Six small tenants were dispossessed to make way for the sheep farmers¹⁵ but were compensated with six grazings in the heights of Strathrusdale from Whitsunday, 1791.¹⁶ The problem for the people of Strathrusdale arose later when the grazings in the hill of Badvaich¹⁷ were in dispute. During the summer of 1791 Culcairn grazed 114 head of cattle at Badvaich and in January 1792 paid the joint tenants of Badvaich, Donald Munro MacAdie and John Alexander Ross Davidson, sixpence per head for grazing his cattle. At the same time he told them that he would have to take over the grazings at Whitsunday, 27 May, for his own cattle. The tenants did not object since, as Donald Munro MacAdie admitted, 'they believed they might pasture their cattle promiscuously'. Culcairn did not imply that he was depriving them of the hill pastures forever and it was not until May 1792 that it was rumoured that Badvaich and other pastures were going to the Camerons. Donald Munro MacAdie was assured by Culcairn that his pasture at Croftfairin was not going to the Camerons but did not mention Badvaich. In face of the rumours Alexander and John Ross Davidson and MacAdie,

14. W. MacKenzie, 'Bliadna nan Caorach - the Year of the Sheep', Trans. Gaelic Soc. of Inverness, vii (1878), 255.

15. Ibid.

16. JC26/268, H.M. Advocate v. John Ross Davidson, et al., Decl. of Donald Munro MacAdie, tenant in Strathrusdale, 6 August 1792.

17. This is probably Bad a' Bhathaich, 'hill of the cattle', O.S. NH 541 805.

came to a resolution that as [sic] they would not suffer Captain Cameron's Sheep to pasture on the said Hill Grass [of Badvaich], but that they would give no Opposition to Culcairn's sending his own Cattle there. 18

The Davidsons' and MacAdies' opposition was quite clearly, therefore, directed specifically at the intrusion of sheep on to the Badvaich grass, especially by incomers like the Camerons who had already ousted six families from Kildermorie. In the event, when Culcairn brought his cattle on to Badvaich, the small tenants removed theirs until, three weeks later, Culcairn sold his cattle. At this point the Strathrusdale people put their cattle back on the hill but the Camerons' shepherds began claiming it as part of the Kildermorie farm. Some of Alexander Ross Davidson's cattle were pointed but released without payment. 19

It seems probable that the small tenants of Strathrusdale had been duped. Culcairn let Kildermorie to the Camerons and must have included Badvaich in the farm. He then took back possession from the small tenants for three weeks before handing the grazings to the Camerons to avoid their having to take it themselves. Choosing to believe that Culcairn was in fact unaware of the situation, the Strathrusdale men continued to put their cattle on the disputed hill ground. One of the Camerons' shepherds came to Donald Munro MacAdie and told him to remove his cattle from Badvaich, otherwise 'Captain Cameron would send him to Botany Bay'. MacAdie refused to do so until Culcairn told him. 20

18. Ibid., Decl. of John Ross Davidson, 6 August 1792.

19. Ibid.

20. Ibid., Decl. of Donald Munro MacAdie, 6 August 1792.

Culcairn said it was all a mistake but Cameron threatened MacAdie with eviction. The situation was becoming much clearer to the Strathrusdale people and there was no longer any room for doubt when Culcairn finally ordered MacAdie and the others to remove their cattle from Badvaich. The small tenants decided that they had an equal if not preferable right to the grazings there and, since they had had no legal warning of removal, that the cattle should remain on the hill grazings.

Matters came to a head on the morning of 29 June, 1792, about eight o'clock when the boys who had been herding the cattle on Badvaich came down Strathrusdale and on to Ardross to report that the cattle had been seized as trespassers by the Camerons' shepherds. All the inhabitants were told, since

it was preconcerted between the people of Strathrusdale and Ardross that they should convene and force back the Cattle in case they were poinded [seized].²¹

Most of the people were cutting peat at the time but all left their work and headed for Kildermorie. Some men said they were prepared to pay the fine to get their cattle released 'but the Strathrusdale men seemed determined to take away their own cattle by force'.²² About fifty men marched to the fank, or sheep-pen, at the western end of Loch Morie where the cattle were being held. Violence was almost unavoidable since Captain Cameron was believed to have said 'he would

21. Ibid., Decl. of John Ross Davidson, 6 August 1792.

22. Ibid., Decl. of Alexander Wallace, 8 August 1792. This may have been special pleading since Wallace was regarded by the authorities as a leading figure in the disturbance.

shoot them like birds and ... send the rest of them to Botany Bay', ²³ and when the people arrived at the fank both Camerons were there with their shepherds; Captain Cameron was armed with a double-barrelled shotgun. As the men approached he advanced with the gun pointed at them but was quickly disarmed by Alexander Wallace, described as ' "Big Wallace" ... The champion of the district'. ²⁴ Cameron was roughly handled, several of those in the crowd later admitted striking him several times while one said that he had been hit at least a hundred times. ²⁵ The shepherds fled and Alexander Cameron offered little or no resistance, so that eventually Allan Cameron, badly bruised and cut, ordered the cattle to be released.

The men of Strathrusdale and Ardross were not satisfied that their victory was anything like complete and were aware that, as long as the sheep remained, their way of life, indeed their continued existence in their native glen, was threatened. Pressure was put on a few of those involved, by the factor of the estate, to give evidence at Tain on 25 July about the events at the Kildermorie fank. ²⁶ At Scotsburn, where the road from Ardross to Tain crosses the river Balnagowan, a crowd overtook those who were summoned and prevented them from going on to Tain. ²⁷ It was on that day that the idea of driving the sheep out

23. Ibid., Decl. of John Ross Davidson, 6 August 1792. Others confirm this.

24. W. MacKenzie, op. cit., pp.265-7.

25. JC26/268, H.M. Advocate v. John Ross Davidson, et al., Decl. of William Munro MacAdie, 7 August 1792.

26. Edinburgh Evening Courant, 18 October 1792, Letter from MacLeod of Gaenies, (Quoted in W. MacKenzie, op. cit., 265) A fank is a stone enclosure for animals.

27. JC26/268, Ind. against James Munro, et al., 14 September 1792.

of Ross was first mooted. Hugh Breck MacKenzie told Alexander Wallace that 'the Sheep should be extirpated from the Country and a day fixed for that purpose'.²⁸ Men from the parishes of Alness, Killearn and Edderton were there when this was discussed.²⁹ Notice was sent to Strathrusdale and on Friday, 27 July, at the wedding of John Ross Davidson, to Helen, daughter of Donald Munro MacAdie, 'the business of driving off the Sheep was concerted'.³⁰

The plan, quite simply, was to round up all the sheep in Ross and in Sutherland, drive them south to the borders of Inverness-shire where it was hoped that the people there would drive them farther south, and so on. In order to achieve this end it was resolved at the wedding,

that Publick Intimation should be made at the respective churches in the Counties of Ross and Sutherland calling the people to meet on a certain day for collecting the Whole Sheep and driving them off the Country.³¹

Messages to this effect were sent out on Sunday, 29 July, to all the parishes of Easter Ross and the Black Isle, to the missionary meeting house at Amat in Kincardine parish, and to the public houses of Laing and Creich parishes in Sutherland, where there were no church services that Sunday. The people were told to assemble in Strathoykel on Tuesday, 31 July, to put the plan into effect.³² The authorities

28. JC26/268, Ind. against John Ross Davidson, et al., Decl. of Alexander Wallace, 8 August 1792.

29. Ibid., Decl. of William Munro MacAdie, 7 August 1792.

30. Ibid., Decl. of Finlay Munro Bain, 8 August 1792.

31. Ibid., Decl. of Donald Munro MacAdie, 6 August 1792.

32. W. MacKenzie, op. cit., p.257.

alleged later that there were two other aspects to the messages sent out from Strathrusdale. One was that further and more fundamental reforms were promised, including the lowering of rents, the increase of arable land so that more bread would be available for the poor and the reversal of the practice of enclosing common pastures.³³ — the — other was that the proclamation included the warning,

That the Curse of the Children not yet born,
and their generations, would follow such as
would not cheerfully go and banish the Sheep
out of the Country.³⁴

Unfortunately there is something of a lacuna in the source material at this point and apart from these assertions, there is no evidence that these promises and threats were made.³⁵

About two hundred people from Ross and Sutherland gathered at Brea in Strathoykel on Tuesday, 31 July. Others may have assembled elsewhere but the main body was in Strathoykel, from which men set off for the furthest parts of the parish of Lairg. They drove all the sheep they could find in the parishes of Lairg, Creich, and Kincardine southwards, leaving only a flock belonging to Sheriff-Depute MacLeod of Gaenies.³⁶ On Thursday, 2 August, this large flock was joined by 300 or 400 more,

33. Donald MacLeod of Gaenies, Sheriff-Depute of Ross in Edinburgh Evening Courant, 18 October, 1792. (quoted in W. MacKenzie, op.cit., 265-6)

34. JC26/268, Ind. against Hugh Breck MacKenzie, et al., 14 September 1792.

35. There are no extant judicial declarations in the papers of the case against Hugh Breck MacKenzie, et al., accused of taking part in the Sheep Run itself.

36. W. MacKenzie, op.cit., p.257.

brought by some Sutherland people and belonging to two Macgregor brothers in Glencassley.³⁷ In Strathrusdale it was thought that military force was about to be used and William Munro MacAdie, son of Donald, was sent to warn Hugh Breck MacKenzie, who seemed to be the acknowledge leader. He was found at Loch Ailsh, nearly in Assynt. MacAdie then went 12 miles further where he found, according to his estimate, 200 men from Sir Charles Ross of Balnagowan's estate which straddled Strathoykel, collecting the sheep belonging to Miss Margaret Geddes of Capellach. When he tried to leave he was threatened by some of the men who told him that,

as the Persons who were sent to proclaim at the different Churches came from Strathrusdale and the neighbourhood of it, that the Strathrusdale men ought to be among the foremost in the Business.³⁸

Despite the fact that all were working together, suspicions clearly existed that one part might desert the other especially as military intervention was threatened. The suspicion was not great enough to prevent the project continuing and the next day all the sheep, possibly as many as ten thousand,³⁹ were collected at Amat in Kincardine parish, Ross-shire, before being driven further south on Saturday, 4 August, to Boath near Strathrusdale.⁴⁰ The plan thereafter, apparently, was to leave the sheep there with forty or fifty men guarding them while other

37. JC26/268, Ind. against John Ross Davidson, et al., Decl. of John Ross Davidson, 6 August 1792.

38. Ibid., Decl. of William Munro MacAdie, 7 August 1792.

39. Sir George S. MacKenzie, op.cit., 132. This may be an exaggeration.

40. JC26/268, Ind. against John Ross Davidson, et al., Decl. of William Munro MacAdie, 7 August 1792.

groups collected more sheep from the surrounding area, particularly those of the Camerons and of a Mr Mitchell. They would then proceed southwards by different routes on Monday and Tuesday of the following week until they reached the Inverness-shire boundary. ⁴¹

The plan was frustrated, however, by the arrival at Dingwall on Saturday, 4 August, of three companies of the 42nd Regiment or Black Watch. ⁴² When they had first learned of the intention of the people of Strathrusdale, the gentry and those in authority in Ross had been in something of a panic. ⁴³ Not until Tuesday, 31 July, when the people were already beginning the great sheep drive, did the gentry of Ross meet at Dingwall to make resolutions and declarations about the situation, to vindicate themselves from any accession to the proceedings in the hills and to show the people that their actions would not be allowed to succeed. On the other hand, the praeses of the meeting reported to the Lord Advocate that,

We are at present so completely under the Heel of the Populace that should they come to Burn our houses, or destroy our property in any way their Caprice may lead them to feel we are incapable of Resistance. ⁴⁴

Even allowing for exaggeration in order to elicit military support, the gentry were clearly in some dread of the people who were collecting

41. H.O. Corr., RH2/4/64, f.274, Donald MacLeod of Gaenies to Robert Dundas, 5 August 1792.

42. Ibid.

43. See, e.g. Col. David Stewart, Sketches of the Character, Manners and Present State of the Highlanders of Scotland, (Edinburgh, 1822) i, 404.

44. H.O. Corr., RH2/4/64, ff.258-258v., Sir Hugh Munro to Robert Dundas, 31 July 1792.

sheep in the hills. Donald MacLeod of Geanies, the Sheriff-Depute, was made of sterner stuff and proposed leading a small force against the sheep-drivers but the meeting overruled him and stated they would need at least five hundred infantry and two or three troops of cavalry to defeat the insurgents.⁴⁵ The Sheriff did however stress in his report to Edinburgh that this was no ordinary disturbance but 'an Actual Existing Rebellion against the Laws' and added that someone from Sutherland had bought £16 worth of gunpowder in Inverness recently.⁴⁶ By the Friday of that week, 3 August, the gentry had recovered their courage and the Sheriff could write to his opposite number in Inverness-shire that he was going to lead some of the Ross-shire gentlemen and three companies of the Black Watch against the men in the Hills.⁴⁷

The troops arrived from Fort George at ten in the morning and at two pm the Sheriff got news that the sheep were to be at Boath that night. He sent messages to as many of the gentry as possible to come to Dingwall with their servants and dependents armed. By about eight in the evening the troops were ready to march and the gentry had arrived to accompany them. They arrived near Boath about one in the morning of 5 August to find six thousand sheep grazing unattended. The soldiers, after their arduous marches first from Fort George and then from Dingwall, were allowed to rest while the Sheriff and the Ross-shire gentlemen galloped off to capture the rebels. Eight men were taken on

45. Ibid., f.263, Donald MacLeod of Geanies to Robert Dundas, 31 July 1792.

46. Ibid., ff.263v-264.

47. Ibid., f.27, Donald MacLeod to Simon Fraser, Sheriff-Depute of Inverness, 3 August 1792.

the moor while Donald Munro MacAdie, two of his sons and John Ross Davidson were seized in their homes.⁴⁸ By mid-day on Sunday, 5 August, Bliadna Nan Caorach was over.

Three trials later took place at the Inverness Circuit Court in September, 1792. Eight were charged with riot, assault and battery at the fank of Kildermorie, but the diet against one man was deserted while the rest were found not guilty.⁴⁹ Three more were charged with riot and obstructing witnesses from appearing for examination; one failed to appear and was outlawed while the diet against the other two was deserted.⁵⁰ In the third case seven men were charged with 'violently and feloniously seizing upon and driving away the sheep of certain proprietors'. Of these, one man was dismissed after the diet was deserted; two, Hugh Breck MacKenzie and John Aird, were found guilty and sentenced to seven years transportation; another was fined £50 and imprisoned for one month; two were banished from Scotland for life, while the last was imprisoned for three months.⁵¹ The harsh sentences against MacKenzie and Aird, however, were not carried out. On 24 October, 1792, the two escaped easily from the tolbooth of Inverness along with another prisoner. Aird went first to Beaulieu where he was hidden until night-fall and then, travelling by night, made his way home to Strathrusdale where he lay low for some time before escaping to Morayshire. MacKenzie made his way home to Acham in the Parish of Alness where he hid in a

48. Ibid., ff.274-5, Donald MacLeod to Robert Dundas, 5 August 1792.

49. JC11/40, North Circuit Minute Book, xxxviii, H.M. Advocate v. John Ross Davidson, et al., 12 September 1792.

50. Ibid., H.M. Advocate v. James Munro, et al., 14 September 1792.

51. Ibid., H.M. Advocate v. Hugh Breck MacKenzie, et al., 14 September 1792.

small dungeon he dug underneath the floor of his house, before also seeking the safety of Moray. The authorities seem to have made little or no effort to search for them and both ended their days there. ⁵²

Bliadna Nan Caorach made a permanent impression on Highland consciousness. It was remembered not as a great success but as an heroic attempt to reverse the trends which, it was evident in 1792, were going to mean the destruction of a way of life. With hindsight it can be seen as the last chance the Highlanders had of using direct action against the sheep themselves since as time went on the number of sheep became overwhelming. The attempt, however, came at an unfortunate time. Robert Dundas, despite his normal authoritarian tone, was not without some sympathy for the dispossessed Gaels. Both he and his uncle Henry Dundas were, however, only too aware of the French Revolution and of the recent popular disturbances which were inspired by it. ⁵³ They therefore believed that the disturbance must be crushed and that the claims of those dispossessed could not be considered. ⁵⁴ Lord Adam Gordon, the commander-in-chief of the army in Scotland, was most specific in putting the people's case: it was not disloyalty, rebellion or a dislike of the Government or of the King and Constitution which produced the disturbances;

52. W. MacKenzie, op.cit., p.277

53. See above pp.152-173.

54. H.O. Corr., RH2/4/64, ff.254-6, Robert Dundas to Henry Dundas 6 August 1792.

Ibid., ff.265-6, H. Dundas to Lord Adam Gordon, 9 August 1792.

Ibid., ff.267-267v., H. Dundas to R. Dundas, 9 August 1792.

They have solely originated in a (too well founded) apprehension, that the landed proprietors of Ross-shire, and some of the adjacent Highland Counties, were about to let their estates to Sheep farmers by which means all the former tenantry would be ousted and turned adrift ... 55

3. KILDONAN, 1813

After 1792 the people of the Highlands continued to be 'ousted and turned adrift', but it was not until 1813 that there was another serious attempt to resist this process. The resistance took place in the Strath of Kildonan which stretches in a fifteen mile ribbon north-westwards along the bank of the river Helmsdale in Sutherland. Kildonan formed part of the vast Sutherland estate owned by Elizabeth, Countess of Sutherland and her husband, George Granville Leveson-Gower, Marquis of Stafford, and factored, after 1811, by William Young of Inverugie who was assisted in some matters by Patrick Sellar of Culmaily.

As early as April 1812 the people of the strath were given notice to quit,⁵⁶ and in December 1812 the area was divided into three sheep farms; Ferronish and adjoining lands were leased to some of the existing tenants, Torrish, on the east bank of the river between Suisgill and Kilphedir, was leased to Major William Clunes, while the west bank from the Water of Free to Kilearnan was incorporated into Gabriel Reid's Kilcalmkill sheep farm.⁵⁷ Eighty-eight tenants were

55. Ibid., f.291v., Lord Adam Gordon to Henry Dundas, 19 August 1792.

56. R.J. Adam, Sutherland Estate Management, ii, 165. (Hereafter - Adam, SEM.) William Young to Earl Gower, 11 April 1812.

57. Adam, SEM, i, p.lvii.

thereby dispossessed, although part of the strath from Kildonan Kirk south to Balnavaliach was laid out to accommodate some of these and it seems that twenty-three of the eighty-eight did in fact move there.⁵⁸ Young intended to remove the rest of the tenants to land recently acquired at Armadale and Strathy on the north coast of Sutherland,⁵⁹ but the people were not prepared to submit peacefully to being uprooted in this way.

As part of the agreement between Young and Clunes, it was arranged that Ralph Reid, manager for two Northumbrian sheep farmers, Atkinson and Marshall, at Achinduich, and James Hall, from the estate of Langwell in Caithness, should inspect, value and report on the Torrish sheep farm. Accordingly, on Tuesday, 5 January, 1813, the two men, along with Clunes inspected part of the ground, after which they parted, the former going to stay at the house of John Turnbull, a shepherd, at Suisgill, while Clunes went to stay at Kildonan Manse.⁶⁰ Shortly after he arrived at the manse, a small crowd gathered and asked to speak to him, wanting to know who his companions were and what they were doing. They asked if he had taken the lease and Clunes said that he had not but that he was likely to.⁶¹ Some of the people insisted that 'they would give the highest Penny for the grass of the Burn of Kildonan'.⁶² This plea was made in vain since it was a commonplace to those involved in

58. Ibid., lviii.

59. Richards, Leviathan, 179.

60. AD14/13/9, Precognition into Kildonan riots, Petition and complaint of Hugh Leslie, Procurator-Fiscal for Sutherland, 21 January 1813.

61. Ibid., Decl. of Major William Clunes, 23 January 1813.

62. Ibid., Decl. of Donald Polson, tenant in Torrish, 17 March 1813.

'improvements' that to be economically efficient sheep farming had to be done on a large scale, and the objective was not simply increasing the rents.⁶³ One man was more threatening and, in so far as the Staffords were set on the introduction of sheep farming, more realistic, when he said,

That if the Sheep were put upon that Ground there should be blood although he should be carried to Dornoch Jail, and it would be as (well) for them to be killed as set adrift upon the World.⁶⁴

The people at the manse dispersed on that note, but the night of 5-6 January was spent by a group of them in the mill of Kilearnan discussing the possibility of preventing the further inspection of the lands. Earlier in the day, George Macleod, the schoolmaster of Kildonan, had suggested this since,

if the grounds were not inspected they could not be valued or let and the Kildonan Men would be allowed to remain in their possessions.

The schoolmaster added that he 'ought not to be seen in it'.⁶⁵ George MacDonald, who reported the schoolmaster's remarks, was himself said to have stated that,

he thought the Men of the Strath of Kildonan ought to rise to prevent them [the shepherds] and that both sides of the Strath ought to rise.⁶⁶

63. See J. Hunter, op.cit., 15

64. AD14/13/9, Decl. of Clunes, 23 January 1813.

65. Ibid., Decl. of George MacDonald, tenant in Dalvait, 19 March 1813.

66. Ibid., Decl. of Alexander Fraser, tenant in Lirribul, 22 March 1813.

The latter qualification referred to the fact that only the eastern side of the river was being currently inspected and emphasised the need for solidarity among the people of the strath if they were to be successful. It is most significant that MacDonald was a tenant in Dalrait, on the west bank. Among those at the mill was George Mackay, the catechist (or lay-preacher) who said that he approved of the suggestions but would try to dissuade Clunes from oppressing the people. About two or three in the morning of 6 January it was found that events had overtaken the discussion in the mill when news arrived that people on both sides of the river were going to Suisgill to prevent the valuers, Hall and Reid, from going on the hill grounds.⁶⁷

While most of the people were heading for Suisgill about a score went again to Kildonan Manse where Clunes was surrounded as he went out to the stable. George Macleod acted as their spokesman and repeated much that had been said the previous night.⁶⁸ He told Clunes, somewhat cryptically, that

You'll be a Gentleman, tho' you should not have a bit of Land in the parish, and you would only be a Gentleman tho' you should have it all.⁶⁹

The implication of this statement must be that the people felt that Clunes could only harm his status in their eyes by taking the sheep farm of Torrish and that his prestige was more important than any

67. Ibid., Decl. of George MacDonald and of Alexander Gordon, 22 March 1813.

68. Ibid., Decl. of Clunes, 23 January 1813.

69. Ibid., Decl. of George Macleod, 9 March 1813.

material advantage that he might gain from the farm. The Kildonan people probably found it hard to understand that a man like Clunes cared less for prestige than profit, and more for profit than for the comfort and peace of the people who were to be evicted to make way for him. They also told him that no-one would dare to take the lease if he did not and that they would stop the inspection anyway. Clearly it was felt that if Clunes could somehow be persuaded not to take the lease then the violence might be avoided. Having failed in that objective, however, most of the people left the manse and set off for Suisgill. ⁷⁰

In the meantime the crowd of some sixty or more had already gathered near the house of John Turnbull at Suisgill, where the valuers were staying. Early that morning two men had come to the house of Donald Murray, a 'dram-seller', and spoke to his wife who asked them what they were up to. They replied that

she very well knew that before at her own expense, meaning ... that she had been one of those that were removed for a Sheep-farmer.

She nevertheless warned Turnbull and his guests that trouble was brewing ⁷¹ and by the time the crowd arrived at the house Hall and Reid were riding off northwards into Strathallerdale. ⁷² Thirty men set off to run after them but gave up at Auchintoul eight miles away. ⁷³ While

70. Ibid., Decl. of Clunes, 23 January 1813, and of Lt. Robert McKay, tacksman of Wester Helmsdale, 26 January 1813.

71. Ibid., Decl. of Jean Melville, 10 February 1813. (Also printed in Adam, SEM, i, 139-140)

72. Ibid., Decl. of John Macleod, 23 March 1813.

73. Ibid.

Hall and Reid thus escaped safely on horseback, they left behind John Turnbull, John and George Cleugh and James Armstrong, four of the least popular men in Kildonan at that time - shepherds.

The popular feeling against the shepherds is illustrated by an incident which took place about this time and was recounted by Matthew Short, shepherd on the Stafford's sheep farm of Cruggie. The shepherd met Robert Gordon, a small tenant, on the road and they began to talk about sheep farming. Gordon cursed and said 'that it was the Sheep-farming which had made the Boll so dear', from £1 in the past to £2 now. He brandished his stick at Short and swore

he would not care a pin to knock him down, and said that he was one of those English Devils who had come to the Country, meaning ... the Shepherds.

To this the shepherd said that he would leave at Whitsunday but Gordon replied that

they would not give that Satisfaction ... and that before Whitsunday every Shepherds' house in the Country, should be set on fire too and burned to the bare walls. 74

It was in this sort of atmosphere that the four shepherds had to face the hostile and disappointed men of Kildonan on the morning of 6 January.

The crowd surrounded the house and only after the intervention of

74. Ibid., Decl. of Matthew Short, 26 January 1813.

Alexander Fraser, one of Turnbull's neighbours, were Turnbull and his family allowed to leave unmolested.⁷⁵ James Armstrong, a shepherd from Caithness, managed to convince the crowd that he was there only on a visit and had nothing to do with the inspection of the farm. He was first allowed to leave, then stopped by another group, probably those from the manse, and brought back again. Before finally being allowed to leave he was addressed in English by one of the crowd who told him

he would be allowed to depart for this time without molestation or injury, but if ever he appeared again upon the grounds with any intention of inspecting, and giving his opinion regarding their value, that his Blood would rest upon his own head and he had it in command from them to tell his neighbours, adherents or friends the same.⁷⁶

The crowd then turned its attention to the Cleughs, father and son, who were shepherds in Strathbrora and who may have been accompanying Hall and Reid in the inspection. The crowd threatened to pull the house down around their ears if they did not come out. Alexander Fraser, again playing the rôle of pacific intermediary, persuaded the Cleughs reluctantly to leave the house. They were taken 'in procession', across the Suisgill burn where they were 'put on the Green before the Mob assembled'⁷⁷ and a discussion followed about their fate. Someone said that John Cleugh was 'a Scoundrel and among the first who had introduced Sheep-farming to this Country and raised the Rents',⁷⁸ while someone

75. Ibid., Decl. of Alexander Fraser, 22 March 1813.

76. Ibid., Decl. of James Armstrong, 27 January 1813.

77. Ibid., Decl. of George Cleugh (junior), 23 January 1813.

78. Ibid., Decl. of John Cleugh (senior), 26 January 1813.

else suggested that, since this was the case, 'his tongue should be cut out of his head, or he should be buried alive' and another that they should at least be tied up.⁷⁹ None of these blood-thirsty threats was, however, carried out and it seems likely that this was an elaborate pantomime to frighten the shepherds off. The only harm they came to was financial, when Alexander Gunn demanded back one shilling trespass money he had had to pay three years before for a poided horse. Gunn got his shilling but another man who demanded one and sixpence did not.⁸⁰

Some of the crowd, seeing that the Cleughs were understandably terrified, continued to take advantage of the situation to extort money from them, but others prevented further demands.⁸¹ The two men were eventually allowed to go free and unharmed but before this their dogs were beaten very badly with sticks.⁸² The cruel treatment of the dogs can be accounted for in three possible ways. In the first place the people concerned may have simply transferred the aggressions stirred up by frustration and dismay of imminent eviction from the shepherds to their dogs. The dogs themselves may have been targets in their own rights since they represented an unwelcome labour saving device which threatened the labour intensive society of the strath. Finally, some may have believed that by disabling the dogs, which were probably valuable and possibly difficult to replace, they might postpone the introduction of sheep at least for a while. As the two shepherds finally left they were warned not to return in terms similar to those addressed to Armstrong.⁸³

79. Ibid., Decl. of George Cleugh, 23 January 1813.

80. Ibid.

81. Ibid., Decl. of George Macdonald, 18 March 1813.

82. Ibid., Decl. of John Cleugh, 26 January 1813.

83. Ibid., Decl. of George Cleugh, 23 January 1813.

Having driven off the shepherds, the people in Kildonan had not finished with resistance. A petition was sent by the people of the strath to the Marchioness of Stafford in London, sometime before 27 January. On that date she sent it to the factor, William Young, without making any recommendations in the people's favour.⁸⁴ On the other hand, the legal process of inquiry into the incident at Suisgill very soon began and on 21 January the Procurator-Fiscal issued a petition for a precognition into the disturbance.⁸⁵ On the 23, 26 and 27 January, several witnesses, mostly those for the prosecution, were examined.⁸⁶ After the last of these had been heard the Procurator-Fiscal presented a petition for a warrant to cite several named individuals to appear for examination on 30 January. This was granted by Robert MacKid, the Sheriff-Substitute,⁸⁷ who a few years later gained notoriety when he was a leading figure in the prosecution of Patrick Sellar for culpable homicide and other crimes committed in the course of clearing Strathnever. Serving the warrants on the people concerned was not, however, so simple. It appears, although it is not clear, that the sheriff-officer entrusted with the task delayed trying to serve them until Monday, 1 February when he and another sheriff-officer, having travelled all the way up the strath to Suisgill on the Sunday, made their way down the next day, leaving copies of the citations with those named. They did not deliver the warrants for their apprehension, or intimate to any of them that they had such warrants, because they 'were apprehensive

84. Adam, STM, ii, 176. William Young to Marchioness of Stafford, 3 February 1813.

85. AD14/13/9, Precognition into Kildonan riot, Petition and Complaint of Hugh Leslie, Procurator Fiscal for Sutherland, 21 January 1813.

86. Ibid., passim.

87. Ibid., Petition of Procurator-Fiscal, 27 January 1813.

of their lives, from the state of mind in which the people he had occasion to see, were in'. The two men were followed throughout their journey from Suisgill by a hostile but non-violent crowd.⁸⁸

On the following day, Tuesday 2 February, Sheriff-Substitute MacKid, the Sheriff-Clerk, Thomas Houston, Patrick Sellar and William Young all went to Kildonan in response to a message that the people would sign a bond to keep the peace. At the school-house they were met by up to 150 men who said that they would sign no such bond. They rejected Young's plans for their re-settlement at Armadale and said they were entitled to their own land because of promises and letters given after they had furnished men for the 93rd Regiment. Sellar examined the letters and found that the obligation which they contained had expired in 1808 and told them so'.⁸⁹ This legal nicety conveniently and cynically ignored the fact that those who had enlisted on that basis were still on active service with the regiment in South Africa.⁹⁰

After the Sheriff-Substitute and the others had left Kildonan, a group of seven of the small tenants met at Dalhalmy to write a letter to MacKid on behalf of 'the Tenants and heads of families in the different towns in the Strath of Kildonan'.⁹¹ The letter, delivered at Helmsdale on 3 February by John Bannerman, made several points. In the first place the letter claimed that the only reason for chasing after Hall and Reid

88. *Ibid.*, Decl. of Donald Bannerman, 10 February 1813, (Also in Adam, *SEM*, i, 137-138.) A previous attempt to execute the warrants may have been abandoned.

89. Adam, *SEM*, ii, 176. William Young to M'ess of Stafford, 3 February 1813.

90. D.K. Murray, *History of the Scottish Regiments*, (London, 1863) p.411

91. AD14/13/9, Precognition into the Kildonan Riots, Decl. of John Bannerman, 3 February 1813.

had been to speak to them about a report that Hall, or some other person, had 'drank to Boneparty at Kildonan some time ago'. This may or may not have been the case, but it can be dismissed as a red herring. They were all, it continued, loyal and submissive subjects and tenants, 'neither are we Seeking any of Lady Stafford's land without paying an equal to any other that may get it'. This was something which the people felt particularly strongly and had previously been put to Major Clunes. It did not seem to them at all fair that the sitting tenants should not be at least allowed to offer higher rents. They did not appreciate that the zeal was as much for 'Improvement', which involved depopulating the interior, as for higher rents which the landlord did not believe the sitting tenants could pay anyway. The small tenants expected Young to allow them to offer for their present possessions or provide them with other tenancies which included hill grass 'as the Highlanders mostly depend on the Hill Grass'. The offer of a few holdings in the strath between the Kirk and Balnavaliach, 'a few acres of poor Strathland that is subject to Speat and Mildew without the liberty of hill', was rejected as worthless. The tenants further reiterated their claims about the connection between military service and continued tenancy:

And also a good many of us has our children
Serveing in the 93rd and was promised to Continue
their parents in their possessions during paying
regularly the yearly Rents.

They concluded that, 'on performing these Conditions we are ready to Swear to Continue Loyal and peaceable Subjects'.⁹² Having delivered

92. Ibid., Tenants of the Parish of Kildonan to Sheriff MacKid and Justices of the Peace, 3 February 1813.

the letter and made a statement, John Bannerman was committed to Dornoch Jail and was liberated on 5 February on £60 bail and £60 caution to keep the peace for a year.

Earlier, shortly after the incidents with the shepherds and Suisgill, James Armstrong was told that the people of Kildonan would be joined by eighteen hundred others from Lord Reay's country to the north west in Sutherland and from Caithness, 'who were to assemble and drive the Sheeps (as he called them) out of the Country'.⁹⁴ When they heard that John Bannerman had been arrested when he delivered their letter, 'a convention of the people' at Wester Kilearnan mill appointed messengers to go north to Braemore in Caithness and south to Strathbrora to ask for assistance in rescuing Bannerman. No messengers were however sent further north, to Lord Reay's country.⁹⁵ No particular reason for asking the people of Strathbrora for help is given but it seems likely that they were expected to be sympathetic because of the imminent disruption of their own lives by the formation of a sheep farm on the north shore of Loch Brora that year.⁹⁶ The reasons for including the Caithness people in the opposition were given at some length:

The Kildonan men were every day receiving messages from Caithness importing that the Caithness men were suffering by the Sutherland men who came there when dispossessed to make room for the Sheep farmers, because it raised their rents and created a competition for lands. And that if the Sutherland men did not keep possession of their lands by force the Caithness men would prevent them by force from coming into their Country. And if the Sutherland men rose upon this occasion the Caithness men would flock to their assistance.⁹⁷

94. Ibid., Decl. of James Armstrong, 27 January 1813.

95. Ibid., Decls. of George Macdonald, 19 March and John Macleod, 23 March 1813.

96. Adam, SEM, i, p.liv-v. The people were removed to holdings elsewhere in the strath.

97. AD14/13/9, Precognition into Kildonan Riots, Decl. of George Macdonald, 19 March 1813.

Furthermore, during the disturbances Patrick Sellar wrote to the Marchioness of Stafford that the whole population was behind the rioters, that 'they have one common interest in the Exclusion of Strangers', and that the people of Armadale, 'finding that our purpose is to cram that property full of people', were in contact with and supporting the Kildonan people.⁹⁸ Feelings in Sutherland were evidently behind the people of Kildonan while others were aware not only that they might be next but also that, even if they remained unaffected directly, the indirect effects might prove just as disastrous. The fears behind this awareness reflect the extent of the social dislocation caused by this and other such clearances.

The messengers to Caithness were told to give the people there the graphic and poetic message that 'Sticks had been cut to beat the Kildonan men', indicating that those in authority were about to attempt to re-assert that authority by force. Despite their previous statements and complaints, however, the enthusiasm of the Caithness men was found to have waned significantly and they replied lamely they would come only if the weather was good.⁹⁹ When the Kildonan people went to Golspie Inn on 10 February, therefore, they went with the support of several men from Strathbrora but of only one boy from Caithness.¹⁰⁰ Inside the Inn, Donald Bannerman, the sheriff-officer, explained to the Sheriff-Substitute how he had failed to arrest those named in the warrant. He was then ordered to go outside and arrest those who were

98. Adam, SFM, ii, 181, Patrick Sellar to M'ess of Stafford, 13 February 1913.

99. AD14/13/9, Precognition into Kildonan Riots, Decl. of John Macleod, 23 March 1813.

100. Ibid.

there, Accompanied by the Procurator-Fiscal, the Sheriff-Clerk, Patrick Sellar and several others, he read out the men's names to which all but three answered and stepped forward. When he said he had a warrant for their arrest, however, the rest of the crowd surrounded those named and prevented their seizure. As they did so they shouted that 'none of their number should go to any place for examination or otherwise unless the whole were present!'.¹⁰¹ While the Sheriff-Substitute tried to get the crowd to disperse quietly, some of them brandished sticks at the sheriff-officers and the court was adjourned, reconvening in the safety of Dunrobin Castle.¹⁰² This incident was the high point of direct action by the Kildonan people, but the victory achieved at Golspie proved to be a hollow one.

After this open defiance of the representative of law and order, efforts were made to reassert the power of the courts and of the landlords. The Sheriff-Depute of Sutherland, George Cranston, went north from Edinburgh to his sheriffdom on 19 February and arrangements were made for him to have troops from Fort George sent to Sutherland.¹⁰³ Efforts were made to explain to the Government how generous the plans for improvement were to be to the dispossessed,¹⁰⁴ and those concerned were offered a further chance to accept these plans.¹⁰⁵ At the same

101. Ibid., Decl. of Donald Bannerman, 10 February 1813 (at Dunrobin) (and Adam, SEM, i, 140)

102.. Ibid., Decls. of Bannerman, of William Taylor, Sheriff-Clerk, 10 February and of James Duncan, 11 February 1813; (Adam, SEM, i, 140-142)

103. H.O. Corr., RH2/4/100, ff.82-83, Henry Colquhoun, Lord Advocate to Lord Sidmouth, 19 February 1813.

104. E.g. Adam, SEM, ii, 183-5, William Young to George Cranston, Sheriff-Depute, 28 February 1813.

105. H.O. Corr., RH2/4/100, ff.95-95v., William Young to The Inhabitants of Kildonan, 28 February 1813.

time the Staffords indicated that the removals must go on, otherwise the whole improvement of the estate would have to be abandoned.¹⁰⁶ The people turned from direct action to petitioning the Prince Regent and the Staffords themselves and sent a delegate, William Macdonald, a former recruiting sergeant for the 93rd Regiment, to London with the petitions.¹⁰⁷ While Macdonald was in London, troops were finally called in to overawe the people at home and several of the most active were rounded up for examination.¹⁰⁸ By the end of March the troops were withdrawn,¹⁰⁹ those arrested were released sometime thereafter and the whole legal proceedings were dropped,¹¹⁰ probably to avoid adverse publicity for the Staffords.

Feeling that they had been very badly treated by the Staffords and scorning their resettlement plans, many of the Kildonan people decided that emigration to Canada under Lord Selkirk's scheme was the best course of action. Selkirk received applications from 700 people and by July 1813 more than 100 had left the Sutherland estate, despite opposition from the Staffords.¹¹¹ For those who were left the removals went ahead although some were allowed to remain for one or even two years until plots at Helmsdale were ready and others got the small holdings in the strath.¹¹² Two years later it was reported that about

106. Adam, SEM, ii, 182. James Loch to William Young, 15 February 1813

107. Ibid., 185, William Young to M'ess of Stafford, 4 March 1813.

108. Ibid., ii, 187, George Cranston to James Loch, 12 March 1813; AD14/13/9, Precognition into Kildonan Riots, Cranston to Lord Advocate Colquhoun, 11 March 1813; and ibid., passim.

109. Adam, SEM, ii, 189, William Young to James Loch, 27 March 1813.

110. AD14/13/9, Precognition into Kildonan Riots, Opinion, by Henry Home Drummond, Advocate Depute, n.d.

111. Richards, Leviathan, p.181; Adam, SEM, i, 142-4

112. Adam, SEM, i, p.lviii.

one hundred Kildonan men were working on the herring boats out of Helmsdale.¹¹³ After all the activity and attempts at resistance the interior of Kildonan was given over to sheep, and the people were forced to work on fishing boats, to scrape a living on small plots on the sea-shore or a few lucky ones in Kildonan itself, while others had to struggle for survival, fighting not only the elements but also the North West Fur Company, on the Red River in Canada.¹¹⁴

4. CONCLUSION

There are several points to be made about aspects of these disturbances. The first of these is that the landowning class do not seem to have been united in their support of the idea of improvement by the introduction of sheep farming. In 1792 the Ross-shire gentry were at first very loath to act and were particularly keen to disclaim any accession to the activities of the people of Strathrusdale. The former behaviour may simply have been the result of fear but the latter implies that there were suspicions among some of the improving landlords that not all their fellows were as zealous in the cause and that some might even be sympathetic to the people's actions. Even Munro of Culcairn, who let some of his land as a sheep farm and annexed to it the valuable hill grass of his smaller tenants, seems to have been a little ambivalent: he still had to lie to these small tenants rather than state openly that he was engaged in 'improvement'. While making money out of the new lease he seemed to be aware of the damage being done to the way of life of the small tenants.

113. Ibid., ii, 254, James Loch to M'ess of Stafford, 14 August 1813.

114. Near present day Winnipeg, Manitoba, an area of which is known as Kildonan.

After the events of 1813 in Kildonan, Patrick Sellar, whose reliability as a commentator might admittedly be suspect, was convinced that a conspiracy had existed in Sutherland to support the Kildonan people or at least to welcome their success. He went so far as to say that the people were

misled by men of better Sense than they possess,
who see that they can get no good old fashioned
bargains upon the 'Estate',

and noted that Thomas Houston of Suisgill had left the country on 'pressing business', Captain Robert Sutherland of Drummie had had a cold and Major William Clunes had been 'confined to bed by a fitt of Ague' which lasted for three weeks.¹¹⁵ Three years later he was still complaining about the 'Kildonan Conspiracy' instigated by gentlemen he had met at dinner in Dunrobin Castle.¹¹⁶ It was, of course, common currency among the 'higher orders' that the 'lower orders' were not capable of organising themselves without the help or instigation of their social superiors, and the more paranoid aspects of Sellar's allegation can be discounted, especially since we have already seen that this was not the case. Nonetheless, his point about those who regret the passing of the 'good old fashioned bargains' in the way of leases and arrangements may have some force. Although in most ways (particularly financially) better equipped to deal with them, it was not only the small tenants who were put under pressure by the new progressive attitudes of the improving landlords. It seems likely

115. Adam, SEM, ii, 180-1, Patrick Sellar to M'ess of Stafford, 13 February 1813.

116. Ibid., 282, 284, Patrick Sellar to James Loch, 7 May 1816.

therefore that both in Ross and in Sutherland there were fairly substantial tenants and small landowners who would have welcomed the success of the small tenants in their struggle. In the event, however, when it became necessary to choose sides, to choose between popular direct action and 'law and order', most of these people inevitably chose the latter. A few may have sat on the fence, but none chose the former.

Certain aspects of the attitude of the ordinary small tenants to the landlords and to the sheep farmers they were introducing were somewhat ambivalent. The hostility of the people was often not focussed directly on the source of their problem but on some object more immediately apparent to them. While a man like Captain Allan Cameron was not treated with any respect by the people, Munro of Culcairn was given a little. The latter, despite the fact that he was the one who leased the ground as a sheep farm in the first place and tricked the people in order to get peaceful possession of the hill grass, was in a position at least analagous with that of the old tacksman and was a native of the place, while the former was an incomer and a stranger. Similarly, in Kildonan, the attitude of the people to Major Clunes, who was one of those who had taken a sheep farm, was noticeably restrained; the people spoke to him more in sorrow than in anger. In 1792 the people directed their most immediate hostility to the sheep and the episode with Cameron at Kildermorie merely made it clear to them that the sheep must go. Nearly twenty years later the Kildonan people reserved most of their hostility for the shepherds, although the sheriff-officers and to some extent Patrick Sellar were also regarded as enemies. Again the shepherds were incomers and strangers, personifying the new ways which were destroying

the life of the strath. The people focussed their hostility not on the cause of their eviction or even on those responsible for it but upon those things which were new - the sheep and the shepherds. In this connection the attitude of the people of Kildonan to the Marchioness of Stafford, as landlord and as Countess of Sutherland, is interesting, if only in a negative sense. There is no evidence in the precognition of any sense of betrayal on the part of those concerned in the disturbances and the only time that her name came up was when a petition was sent to her asking for her intervention. On the one hand she is not seen as having had any direct or guiding influence on the events or bearing any responsibility for the removals, while, on the other, she is seen as being able to help her tenants. In fact she was as concerned as her husband and his agents for 'Improvement' and was not prepared to listen to the petitions of her tenants. William Young and Patrick Sellar, the architects of the 'Sutherland Improvements', enjoyed the Countess's confidence and support. It was only after the Kildonan riots that doubts may have crept into her mind about the efficacy of their methods.¹¹⁷ The only people who seemed to have held any special positions in the estimation of the Highlanders concerned in these disturbances were the men of middle rank, like Culcairn and Clunes, although the evidence is far from full.

In many ways the two disturbances discussed above confirm the conclusions made by Eric Richards about the limitations to effective popular protest in the Highlands, although in view of meal mobs at Oban and Campbelltown and militia disturbances in Strathgairn and Braemar,

117. E. Richards, 'The prospect of economic growth in Sutherland at the time of the clearances, 1809 to 1813', SHR, xlix (1970), 167, 170).

the conclusions should be limited to protests against clearances. The main difference between the two disturbances is that the earlier one was basically against the introduction of sheep and indirectly against the threat of eviction, while the other was directed against eviction and indirectly against the introduction of sheep. There was no significant differences between these disturbances in the Highlands and other types of popular direct action in Lowland Scotland. The small Highland tenants were protesting against circumstances not dissimilar to those which gave rise to Lowland disturbances. It was the misfortune of the Highlanders to have been members of a more traditional society; to have been, in terms of Lowland society, more backward and to have been faced with a particularly powerful and forceful branch of the Industrial Revolution with which there could be no compromise. 'The Highland economy moved from one extreme (small-scale, labour intensive communalism) to the other (large-scale, land intensive individualism)',¹¹⁸ and in the process the small tenants and their way of life all but disappeared. As we have seen, this was not allowed to happen without some resistance.

118. Richards, Leviathan, p.156.

CHAPTER SIX

PATRONAGE RIOTS

The question of lay patronage bedevilled the Church of Scotland from the Tory Patronage Act of 1712 until the Disruption of 1843. Lay patronage was the right to present a minister to a church exercised by the supposed descendant of the original founder of the church, by the Crown if no such individual could establish title or by the town council in the case of a burgh church. The status of lay patrons was in dispute from the Reformation onwards. The First Book of Discipline asserted that congregations should elect their ministers but the civil power, even in 1592 when Presbyterian church government was established, refused to deny lay patrons their rights. The powers of lay patrons were abolished in 1649 but this was a brief interlude since the measure was rescinded at the Restoration. In 1690, however, it was again abolished as part of the Revolution settlement. Protestant heritors, i.e. the local landowning gentry, or in the burghs the magistrates, along with the elders were to 'name and propose' a minister to the congregation which, if dissatisfied, could appeal to the Presbytery whose decision was final. The Patronage Act of 1712 in its turn restored rights of presentation to all lay patrons. The only safeguards were that Presbyteries could present if no action was taken in six months, that patrons had to take the abjuration oath, that papists were excluded from patronage and that ministers had to be qualified by the Church of Scotland.¹

The Patronage Act therefore restored to lay patrons the power to present a nominee as parish minister. By implication, at least, the

1. William Law Mathieson, Scotland & the Union, (Glasgow 1905) pp. 204-210.

Act left to a majority of the congregation the right to dissent from the call, leaving the matter to be resolved by the presbytery. As the eighteenth century wore on, however, this right was increasingly ignored and presentations by the patrons were generally accepted by the church's courts without reference to the views of the congregations.² Many congregations did not, however, accept this denial of their rights without opposition. Ministers could be opposed because they were themselves unpopular for their views, because of the political or religious views of their patrons or because of the nature of their presentation. Often the result was that the settlement of a minister had to be effected in the face of popular direct action to prevent it. These violent settlements or intrusions went on throughout the eighteenth century and into the nineteenth³ so that between 1780 and 1815 there were at least twenty-one instances of violent intrusions in Scotland.⁴ Of these, however, only three resulted in serious charges being made against those concerned and in one of these the extant details are very scant. The two about which material survives in some detail occurred at Newburgh, Fife, in 1785 and at Assynt, Sutherland, in 1813, while the third took place at Saltcoats, in the parish of Ardrossan, Ayrshire, in 1788 and was repeated in 1790. The discussion below is therefore limited to the modes of action employed and the fairly specific causes of these three disturbances rather than a wider discussion of all instances of anti-

2. William Ferguson, Scotland, 1689 to the Present, pp. 111, 121-3.

3. Parliamentary Papers, (1834) v. 'Report of the Select Committee on Church Patronage (Scotland)', evidence of Rev. John Lee, Principal Clerk to the General Assembly, Q.2755-2759.

4. Ibid., 'Report ... on Church Patronage', Appendix 2, passim; William MacKelvie, Annals and Statistics of the United Presbyterian Church, (Edinburgh 1873), pp.9-10.

patronage direct action. Some quite general conclusions can be drawn from these disturbances but it is probably the case that it was the intensity and duration of these three disturbances which resulted in their appearance in the judicial records.

The procedure adopted for the admittance of a minister to a charge in the Church of Scotland in the eighteenth century should be briefly described. On a parish falling vacant by the death, retiral or translation to another parish of the incumbent, a new minister was presented by the patron who was the holder of the heritable right to ecclesiastical presentation.⁵ The presentee then conducted worship in the parish church, a 'call' was signed by the congregation, in theory only if they approved of the minister, and this was then presented to the Presbytery. The Presbytery in turn sustained the call and, after the edict of induction had been announced in the church, went on to induct the presentee into his parish church.⁶ The right of patrons had never been held to be absolute and it is true that the 1712 Act did not explicitly deny the rights of the congregation to object or of the Presbytery to adjudicate.⁷ Under the influence of the Moderate Party, the ruling establishment within the Church of Scotland, signing the call, which had previously been essential, became a formality in the 1780s.⁸ This devalued the role of the congregation and denied them any possibility of objection.

Congregational involvement in the process was thus minimal and it was

5. Bell's Dictionary and Digest of the Law of Scotland, (ed. G. Watson, 1890)- 'Patronage'.
6. A.L. Drummond and J. Bulloch, The Scottish Church, 1688-1843: The Age of the Moderates, (Edinburgh 1973) p.222.
7. Ibid., p.223; W. Ferguson, op.cit., p.111.
8. Drummond and Bulloch, op.cit., p.223.

against this background that the settlement of ministers took place contrary to the will of the people and often with their violent opposition.

It is proposed to discuss three aspects of these disturbances. In the first place an attempt will be made to analyse the modes of action employed during them, attempts to prevent entry to the churches by barricading doors, for instance, the disruption of proceedings once inside and the physical restraint of, and attacks on, ministers and those associated with their settlement. Secondly, the background to and possible causes of the violent opposition to these particular intrusions will be considered. Finally, some conclusions about why these three disturbances should be specially picked out for prosecution and about why people were prepared to resist the imposition of an unwanted minister in these and other instances, will be suggested.

The barricading of one or all of the doors was a minimal requirement to prevent a presentee gaining access to a church and was a feature of most intrusions. Even the Rev. Mr Balwhidder, in Annals of the Parish, was obliged to enter the church for his induction through a window because the front door had been nailed up by those who objected to his presentation.⁹ When the Newburgh presentee, the Rev. Mr Thomas Stewart, went to preach the door was locked against him,¹⁰ and when the Rev. Dr Greenlaw went to the church a week later to preach and to announce that

9. John Galt, Annals of the Parish, (1910 ed.) pp.7-8.

10. John Stirton, An Old Scottish Divine: Rev. Dr Thomas Stuart (Forfar, 1910) pp.9-10.

Stewart was to be inducted as minister of the parish, he found the main door barricaded and barred, but two or three other doors open. It was probably felt by the people that only entrance by the main door was symbolically valid and Greenlaw's action in having the main door cleared from the inside before entering that way supports this idea.¹¹ At the Church of Assynt, in June 1813, William Young, the Staffords' factor, had a large quantity of stones, which had been piled up against the door by a crowd of women, removed the day before the new minister was to be inducted.¹²

Various other impediments were employed at Newburgh. When Dr Greenlaw eventually gained access to the church he found the pulpit and the nearest pews 'laid thick over with human Excrements' to prevent him preaching or speaking from those places.¹³ Here again is evidence of the idea that there was a proper, and therefore valid, way of doing things and that, in this case, only pronouncements made from the pulpit could carry any weight. Other obstacles were also put in Greenlaw's way. The previous week the bell rope had been removed to prevent it being rung for the service, but then, mysteriously, the bell had been rung during the service;¹⁴ but on this occasion the tongue of the bell had been removed so that the congregation could not be summoned to church.¹⁵ Inside, the windows were shuttered so that it was too dark to read or

11. JC26/237, H.M. Advocate v. John Duncan, et al., 5 May 1785. Report of Dr. Greenlaw, 7 February 1785, in extracted Minutes of Presbytery of Cupar, p.16.

12. JC26/360, Ind. against William Mackenzie, et al., 17 September 1813.

13. JC26/237, Ind. against John Duncan, et al., 5 May 1785, and Report of Dr Greenlaw, p.17.

14. John Stirton, op.cit., p.10.

15. JC26/237, Report of Dr Greenlaw, p.17.

to make out the faces of those who had crowded in after him.¹⁶ A
great noise was made

by repeatedly huzzaing in the Church, in a most indecent and profane manner, and ... by striking and beating with sticks or with their feet and hands, upon the seats of the Church,¹⁷

preventing Greenlaw from being heard. Finally stones and other missiles were thrown at him and his companions,¹⁸ until he was forced to give up the attempt.

Physical restraint was used in all three cases, but most dramatically at Assynt. The church there was situated at Inchnadamph at the east end of Loch Assynt and in the centre of the parish, but many of the parishioners had been removed in 1812 from the interior to holdings on the coast and sheep farmers had been established in the interior.¹⁹ On 22 June, 1813, they came from all parts of the parish to Inchnadamph 'with a view to prevent the Settlement of the Reverend Duncan MacGillivray as Minister of Assint' admitted one of those involved;²⁰ 'as he was not the minister they wished for', explained another.²¹ The method used to achieve this end, after the stones had been removed from the church door, was to surround the manse where MacGillivray, the induction committee of the Presbytery and William Young, the patron's representative, were staying. The crowd, many of them brandishing sticks threateningly, then

16. Ibid.

17. Ibid., Ind. against John Duncan, et al., 5 May 1785.

18. Ibid.

19. Adams, SEM, i, p.xlix-l; ii, 167,184.

20. JC26/360, H.M. Advocate v. Mackenzie, et al., 17 September 1813, Decl. of William Mackenzie (or MacAlister) 28 July 1813.

21. Ibid., Decl. of Roderick MacLeod, 27 July 1813.

forced most of the party to leave the manse and the parish as quickly as their mounts would carry them.²² Young himself claimed that he was a particular target and that his pursuers wanted him handcuffed and set adrift in a boat: 'The Kildonan riots were a mere nothing to this' he concluded, his awareness no doubt sharpened by his personal involvement.²³ MacGillivray was made to sign an obligation never to return to be minister of the parish but, with his family, was permitted to remain overnight in the manse to pack his newly arrived belongings and furniture for removal by nine the next morning. Throughout the night he and a few friends packed while some of the crowd made forays into the house at intervals to hurry them up and others threw articles of furniture into the yard. In the morning they followed MacGillivray and his family to a house in the parish where they had clearly arranged to stay, although the crowd tried to make them leave the parish altogether.²⁴

Similar tactics were used at Saltcoats in a less serious disturbance on 4 May 1788 when the unpopular nominee was to preach but was prevented by a hostile crowd,²⁵ while at Newburgh, Greenlaw and the other members of his group were attacked with stones by the crowd when they emerged from the church having failed to intimate the moderation on the call of Rev. Thomas Stewart.²⁶ Violence erupted in Saltcoats again over six months after the unpopular minister had been technically inducted,²⁷

22. Ibid., Ind. against MacKenzie, et al., 17 September 1813.

23. Adams, SEM, ii, 194, William Young to James Loch, 11 July 1813.

24. JC26/360, Ind. against William Mackenzie, et al., 17 September 1813.

25. Robert Small, History of the Congregations of the United Presbyterian Church, 1733-1900, (Edinburgh 1904), ii, 307.

26. JC26/237, Ind. against John Duncan, et al., 5 May 1785.

27. He was inducted at Irvine on 27 August 1789, P.P. (1834), v, 'Report ... on Church Patronage', Appendix 2, p.74.

when members of the Presbytery, while inspecting the schoolhouse, were thought to be engaged in some act which was in the minister's favour and were attacked by a crowd as a result.²⁸ Popular feelings in Saltcoats against the nominee of the lay patron was such that it could arouse violent reaction two years after the original presentation.²⁹

Clearly only a small proportion of presentations led to intrusions and only a small proportion of these led to violence on the scale of these just described. What then were the specific reasons for opposition to the nominees and what were the circumstances which led to these disturbances? Because of the dearth of information it is not clear why opposition to the presentee should have been so strong and so sustained at Saltcoats. There is one clue which might be considered. The Rev. Mr John Duncan was, at 38, rector of Kilmarnock Grammar School, when he was presented to the parish of Ardrossan in December 1787 by the Earl of Eglinton, only eight months after having been licensed by the church in April 1787.³⁰ It may be therefore that the people of the parish suspected Duncan of pluralism and the Earl of Eglinton of increasing the salary of the rector with the stipend of the parish of Ardrossan. More simply the presentee may have been personally, politically or theologically unacceptable. The position is a little clearer with regard to Newburgh and Assynt, although not less complicated and each will therefore be treated separately.

28. JC26/257, Ind. against Alexander Hill, et al., 10 September 1790.

29. He was presented by the Earl of Eglinton, 22 January 1788, P.P., (1834), v, 'Report ... on Church Patronage', Appendix 2, p.72.

30. Hew Scott, Fasti Ecclesiae Scoticae, (Edinburgh, 1928) iii, 79, (Hereafter - Fasti)

Three factors were involved in the Newburgh disturbance: there were objections to the style of the new minister, another presentee was preferred and there was a dispute over who had the right of presentation. The first point is perhaps not fundamental but it has been stated that Thomas Stewart, the presentee of John Hay Balfour of Leys, was opposed 'because he wore silk stockings and buckled shoes'.³¹ Although not clear, and with an implication of a smear, this may have given rise to suspicions among parishoners with Evangelical sympathies that Stewart was a Moderate. This may have been an element in the second point as well, since it would seem that the other nominee, Mr James Jeffrey, was a popular choice. The over-riding factor, however, seems to have been the competition between the two rival patrons. On one side Balfour of Leys and on the other the Town Council of Newburgh, with the concurrence of the heritors of the parish and under the influence of a local laird, John Cathcart of Pitcairley, to whose family Jeffrey was tutor.³² The original presentation of Mr Thomas Stewart was made on 15 August, 1780 but the competition for the patronage dragged on in the church courts and in the Court of Session for four years before the latter decided in favour of Balfour as patron and the former decided to go ahead with Stewart's settlement as minister. On 11 January, 1785, Stewart preached at Newburgh, protests were made on behalf of Cathcart but the Presbytery decided to proceed to moderate on Stewart's call on 10 February 1785. It was to announce this that Greenlaw went to Newburgh on 30 January when the disturbance took place.

31. *Ibid.*, v, 172.

32. Robert Small, *op. cit.*, i, 195; JC26/237, H.M. Advocate v. John Duncan, *et al.*, Extracted Minutes of the Presbytery of Cupar, 15 August 1780, pp.1-2

33. *Ibid.*, Extracted Minute of Presbytery of Cupar, *passim*.

It is significant that four of the eleven people originally accused of rioting at the church were associated in some way with Pitcairley; one, who was transported for seven years, was his foreman, another was his gardener, a third was a tenant of his, while the fourth was one of his tenant's farm-labourers.³⁴ Cathcart himself does not seem to have been present at the disturbance but his foreman, John Duncan, was accused of turning Greenlaw and several others out of Cathcart's pew and admitted asking some gentlemen to leave his master's seat.³⁵ It would seem from these points that either Cathcart was the champion of the rights of the congregation of Newburgh and that his followers were equally enthusiastic or he was simply pursuing the interest of his family tutor, having lost in the Courts, into the field of direct action and his followers were acting as his agents in leading the opposition, trying to halt the progress of settlement and make the Presbytery reconsider its course of action. The direct evidence is not substantial enough to justify a conclusion one way or the other.

Although doubts clearly exist, there is some circumstantial evidence which gives some weight to the former, less sinister, interpretation. On 18 July 1785 a group of people from the congregation of the parish of Newburgh applied to the Burgher, or Original Secession, Presbytery of Perth, for supply of a minister to preach to them. By November 1786 the first minister had been appointed to a new Burgher church in the town.³⁶ By the time, therefore, that the Rev. Mr Thomas Stewart was

34. JC26/237, Ind. against John Duncan, et al., 5 May 1785.

35. Ibid., Decl. of John Duncan, 25 March 1785.

36. Robert Small, op.cit., i, 190.

ordained minister in the Established Church, on 1 September 1785, with military assistance standing by,³⁷ many of those who had objected to his presentation had left the Church of Scotland to form their own secession congregation. This was just one of seven Burgher and nine Relief congregations formed between 1784 and 1803 as a result of the intrusion of unpopular ministers.³⁸ Any conclusion that Cathcart was involved on a purely altruistic level may be clouded by the fact that his tutor James Jeffrey was successfully presented by the Earl of Kinnoul to the parish of Balfron, Stirlingshire, in 1787 and that both a Burgher and a Relief church were set up in Balfron some years later, in 1793.³⁹ By implication, at least, the Rev. Mr James Jeffrey was in himself no more popular in Balfron than the Rev. Mr Thomas Stewart was in Newburgh. The Newburgh disturbance can be seen as a result of popular opposition to the presentation and settlement of a minister in whose choice the congregation had had no say in preference to that of one who was at least supported by the Town Council and by most of the heritors. To this was added the evident concern of one local laird, Pitcairley, to support the popular choice, even if that concern was tinged with a personal interest in the individual concerned. It is not possible to say which of these factors was decisive either in determining Pitcairley's attitude or in contributing to the violence of the opposition.

The background to the disturbance which initially prevented the settlement of the Rev. Mr Duncan MacGillivray to the parish of Assynt

37. Ibid.; Fasti, v, 172.

38. William MacKelvie, op. cit., p.9

39. Fasti, iii, 330; Robert Small, op.cit., i, 214-216.

was similarly complex, including elements of both a religious and secular nature. The religious aspect can be fairly briefly stated but its significance as against other factors is less easy to assess.

There had existed for much of the eighteenth century a group of people, the 'Men', who performed the function of evangelical lay preachers who were venerated for their godliness and who were brought forward by

'godly' ministers to pray and to 'speak to the question' at the fellowship meetings usually held on Friday evenings.⁴⁰ About the beginning

of the nineteenth century a new development occurred in the religious

life of the area when the 'Separatists' arose, people who protested against and felt aggrieved by the settlement of unpopular presentees to parishes but who meant to stay within the Established Church.⁴¹

This latter development may have been influenced by the evangelical

tours of the Haldanes and others in the North of Scotland about this time.⁴² Both these aspects of religious life gave the people an

independence of religious thought and, in Lowland terms, an Evangelical outlook which meant that they were quick to object to the imposition of an unpopular or unwanted minister by a lay patron.

It was against this background that John Kennedy worked in Assynt.

The long and increasingly incompetent,⁴³ intemperate,⁴⁴ and

40. John MacInnes, The Evangelical Movement in the Highlands of Scotland, (Aberdeen 1951) p.211

41. John Macleod, D.D., The North Country Separatists (Inverness 1930) p.15

42. With various companions the Haldanes made tours to the North in 1797, 1799 and 1805: Alexander Haldane, Memoir of the Lives of Robert Haldane of Airthrey and ... James Alexander Haldane, (London 1852), pp. 184, 271 and 348.

43. Adam, SEM, i, 135, Report of William Young on Assynt, 13 August 1811.

44. Alexander Sage, Memorabilia Domestica, (Edinburgh 1889) p.69

intoxicated ⁴⁵ ministry of the Rev. Mr William MacKenzie who had been there since 1765 and was seventy-four years old, ⁴⁶ made it necessary for him to have an assistant to carry out most of the parish duties. In 1806 John Kennedy was appointed to this task, ⁴⁷ and was a great success as a preacher. During his time in Assynt he is reputed to have converted many people and to have produced many catechists and teachers who spread his work throughout the northern Highlands. ⁴⁸ However, one of his successes, Norman Macleod, went on to become a Separatist and a thorn in Kennedy's side, drawing his congregation away from the parish church, whose official incumbent was still MacKenzie, when he was holding his own meetings. ⁴⁹ By the time of the disturbance Kennedy has reasserted himself and restored his popularity in the parish and one of the reasons for the disturbance was that many of the parishioners wanted Kennedy as their minister. ⁵⁰ Kennedy was an evangelical and later one of the most popular ministers in the northern Highlands, and the people of the parish either through his own influence, through that of the 'Men', or through the separatist influence of Norman Macleod were all sympathetic in different ways to his candidature as minister.

The secular background was that of the Sutherland clearances. At the beginning of 1813 Kildonan had been cleared of most of its inhabitants, not without opposition and Assynt had also recently been cleared, although less drastically. ⁵¹ In February 1813, William Young had commented that

45. John Kennedy, The Days of the Fathers in Ross-shire (Inverness 1895 ed.) p.191

46. Fasti, vii, 78.

47. Ibid., 13

48. John Kennedy, op.cit., p.192

49. John Macleod, D.D., op.cit., pp.79-84

50. Fasti, vii, 78; JC26/360, H.M. Advocate v. William MacKenzie, et al., Decl. of Roderick MacLeod, 27 July 1813.

51. See above, chap. 5.

Assynt was 'new modelled and put under Sheep Stock' but that the people were quite content. After the events of June 1813 he was referring to the same sober, industrious people as 'Mountain savages'.⁵² One of the reasons for this apparent transformation was the imposition on them of a man who was known to have sided with the factor and the Staffords during the Kildonan disturbances and who was the presentee of the Marchioness of Stafford herself.⁵³ When missionary at Achness in the northern part of Kildonan, the people had told MacGillivray some of their plans but he had sided with the factor and had acted as a spy for Patrick Sellar.⁵⁴ At this point in his career, (he later joined the Free Church),⁵⁵ MacGillivray appears to have been completely under the influence of his patrons, the Staffords, and it would have been very difficult for the inhabitants of Assynt, even without evangelical and other religious influences, to have accepted him.

Kennedy, on the other hand, was, in the eyes of those connected with the Sutherland estate, a dangerous man, who took the popular side against them. Patrick Sellar asserted in 1816 that Kennedy had been among those who had searched for Young in order to cast him adrift.⁵⁶ At the time, this opinion seems to have been shared at Dunrobin Castle so that the Staffords' legal agent in Edinburgh informed MacKenzie of Cromartie, whose wife seems to have been Kennedy's patron, about his alleged behaviour. MacKenzie in turn warned Kennedy that they

52. Adam, SEM, ii, 184, 194, William Young to George Cranstoun, 28 February 1813 and William Young to James Loch, 11 July 1813.

53. Fasti, vii, 78

54. Adam, SEM, ii, 181. Patrick Sellar to Marchioness of Stafford, 13 February 1813, and Ibid., 282-3, same to James Loch, 7 May 1816.

55. Fasti, vii, 94

56. Adam, SEM, ii, 283, Patrick Sellar to James Loch, 7 May 1816.

would have no more to do with him if he had had the least concern in the business.⁵⁷ They would appear to have been reassured on that score, since Mrs MacKenzie presented him to the parish of Killearnan on 8 December 1814.⁵⁸ If for no other reason, Kennedy was preferred in Assynt as a man of and for the people as against MacGillivray, a man of and for the patron. The whole episode in Assynt in June 1813 was the result partly of both religious and social circumstances but mostly of the conjunction of religious independence and social disruption.

One indirect consequence of the Assynt disturbance was to throw the authorities in Edinburgh into some confusion. The source of the confusion, however, was as much in the mind of the Solicitor-General as in the events in Assynt. When George Cranstoun, the Sheriff-Depute of Sutherland, reported the incidents to Edinburgh the Solicitor-General, Alexander Maconochie, later an inadequate and almost incompetent Lord Advocate,⁵⁹ was in charge in the current Lord Advocate's absence and he immediately made arrangements to send troops to Assynt by sea.⁶⁰ Unfortunately, by this time, the beginning of August, the matter had been concluded in Sutherland, several people had been arrested, charged and given bail, and arrangements had been made to settle MacGillivray without opposition.⁶¹ One hundred and sixty members of the West Norfolk Militia with all their equipment and provisions were actually

57. *Ibid.*, ii, 197. William MacKenzie to Marchioness of Stafford, 4 August 1813.

58. *Fasti*, vii, 13

59. See e.g. William Ferguson, *op.cit.*, pp.279-280.

60. H.O. Domestic Entry Books, RH2/4/226, pp.86-88. J. Beckett to Alexander Maconochie, Solicitor-General, 2 August 1813.

61. H.O. Corr., RH2/4/102, f.389, George Cranston to Archibald Colquhoun, Lord Advocate, 11 August 1813.

embarked at Leith ready to sail when, on 4 August, they were signalled to disembark and return to Edinburgh Castle after the Lord Advocate, hearing of Maconochie's plans, countermanded the orders.⁶² 'The alarm and bustle created by the Solicitor's interference was totally unnecessary' concluded Colquhoun,⁶³ although he had later to acknowledge that, in general, the Solicitor-General had the right to take charge in his own absence and in an emergency.⁶⁴ Such a military intervention in Assynt might have resulted in further disturbances but that such a response was considered and nearly executed is illustrative of the panicky and tense atmosphere in Edinburgh in 1813, the year which had seen the weavers' strike, several meal mobs and the earlier disturbances at Kildonan.

A more serious consequence of the events in Assynt occurred a year later when at least two of those involved were evicted from their holdings by the Marchioness of Stafford. In February 1814 the judge who had presided at the trial at the Inverness Circuit Court of several Assynt people for mobbing and rioting, commenting on a petition for mitigation of sentence from those convicted, had stated that no violence had been used, that the parish was then quiet, that the parishoners had expressed regret and that mitigation of their sentences could be granted 'without injury to the interests of the Public'.⁶⁵ The

62. Adam, SEM, ii, 196. William MacKenzie to Marchioness of Stafford, 4 August 1813.

63. H.O. Corr., RH2/4/102, f.387, Archibald Colquhoun to Lord Sidmouth, 16 August 1813.

64. Ibid., f.399, Archibald Colquhoun to Lord Sidmouth, 25 August 1813.

65. H.O. Criminal Papers, RH2/4/189, pp.585-6. David Boyle to Lord Sidmouth, 12 February 1814.

Marchioness's tone in announcing her actions to her husband indicates that her view of the public interest was somewhat different and illustrates the attitude of the great landlord to her tenants:

We have been holding a Lit de Justice and have done it extremely well. Turned out two Assynt rioters who came down to be pardoned, but as they say turning out one or two makes more impression than anything else, I thought it right that they should not be restored, so they are denuded. 66

Any conclusions which can be drawn from these three disturbances must be limited in scope, not least because of the apparent selectivity adopted by the authorities in prosecuting these three outbreaks of violence out of more than twenty which occurred in the period we are studying. Explanations of why the authorities should pick out these particular disturbances can be suggested but no concrete evidence can be produced. It is not suggested that there was a conspiracy in Government to prosecute in these cases, just that there were certain factors which made prosecution more likely in these than in some other instances of direct action against unpopular presentees.

There is one factor about the disturbance at Saltcoats which probably led to prosecution and this was simply the sustained nature of the opposition to the presentee. In most cases it seems that opposition to the presentee was shown only at the time of his settlement and that, having made their feelings clear and generally needing the services of the parish minister, the people then desisted from further

66. Adam, SEM, ii, 225, Marchioness to Marquis of Stafford, 18 July 1814.

opposition. At Newburgh, for instance, the Rev. Mr Thomas Stewart, so unpopular at his settlement, went on to become a very popular minister, looked up to even by those who had left the Established Church because of his intrusion.⁶⁷ Two years after his disputed settlement, however, The Rev. Mr John Duncan, the minister of Ardrossan, was still violently opposed by the people of Saltcoats. The sustained and bitter nature of this opposition may have made prosecution at Ayr Circuit Court necessary in the view of the Crown lawyers.⁶⁸ The Newburgh prosecution itself can be explained in terms of the rather extreme methods used by some of those objecting to the settlement and to the long drawn out nature of the litigation which preceded it, possibly leading to the formation of rival factions in a town which already had, according to one writer, a reputation for spirited independence and contempt of authority.⁶⁹ When the case came to trial the sentences against those convicted were severe - Pitcairley's foreman, John Duncan, being sentenced to seven years transportation, David Lawson being banished from Scotland for the same period while the three others were fined and imprisoned in varying degrees⁷⁰ - and these tend to confirm that the prosecution was initiated because the degree of violence was greater than that normally employed in resisting intrusions.

67. John Stirton, op.cit., p.14

68. Seventeen people were originally charged, the diet against seven was deserted, three failed to appear and were outlawed, while four were found guilty but were assolized and dismissed on a technicality in the verdict. JC12/21, South Circuit Minute Book, xxi, H.M. Advocate v. Alexander Hill, et al., 10 September 1890.

69. John Stirton, op.cit., p.13

70. JC11/35, North Circuit Minute Book, xxxiii, H.M. Advocate v. John Duncan, et al., 5 May 1785.

When the three men imprisoned after the Assynt intrusion⁷¹ petitioned the Prince Regent for mitigation of their sentences, they asserted that

It is well known in the Country and professed by our pursuers themselves, that we are suffering not only for our parish and Country but also for other Countrys in the north where such opposition to such settlements have been practised to a great extent.⁷²

There had been at least two such examples in the last four years, at Fearn in Ross in 1809 and at Creich in Sutherland in 1811,⁷³ and the Separatist movement already referred to was a reflection of the unpopularity of many of the ministers. It is reasonable to conclude, therefore, that the petitioners were quite correct in their assertion while the recent disturbances in Kildonan would have further inclined the authorities to initiate prosecution. Thus, such factors as the timing and location of a disturbance, the level of violence involved and the sustained and intense nature of opposition in relation to similar disturbances, might be factors in determining in general whether or not a serious prosecution followed and in explaining in particular why the three disturbances we have been discussing were followed by prosecution.

71. William MacKenzie was imprisoned for two years, John MacKenzie for one year and Roderick Macleod for six months. JC26/360, H.M. Advocate v. MacKenzie, *et al.*, 17 September 1813.
72. H.O. Criminal Papers, RH2/4/189, p.589, Petition to the Prince Regent, 24 December 1813.
73. *P.P.* (1834), v, 'Report ... on Church Patronage', Appendix 2, pp. 84-6, 142.

There is a general conclusion which can be drawn from these disturbances. A significant proportion of people in some congregations felt very strongly about the kind of ministers who were appointed to their churches. They were concerned about the nature of the ministers who were to preach and administer to their spiritual needs. Their objection to an unpopular minister could be made most effectively at the time of his settlement, a point of focus for opposition and resistance. As well as opposition to a particular minister, or preference for another, there was in much of the resistance opposition to the concept of lay patronage as such and a positive assertion of the rights of congregations in the choice of their own ministers. In the course of such resistance, it seems to have been accepted that the use of violence was legitimate and that violation of the church, at least at Newburgh, was an acceptable part of the resistance. The feelings of the people can be interpreted as being at least anti-authoritarian and possibly positively democratic in their assertion of the rights of congregations. While any analogies between religious radicalism of this sort and political radicalism should be treated very carefully, a body like the Society of United Scotsmen was prepared to equate the two in including church patronage among the grievances which could be removed only by the radical reform of the House of Commons.⁷⁴ In a less dramatic, but at the time more effective way, people showed their support of congregational rights by leaving the offending establishment church to form their own seceding congregation in the Lowland areas or to join the Separatists in the North.

74. H.O. Corr., RH2/4/83, f.23v., Resolutions and Constitution of the Society of United Scotsmen, enclosed in Robert Dundas to Duke of Portland, 13 January 1798.

CHAPTER SEVEN

INDUSTRIAL DISTURBANCES

Industrial action and rudimentary trade union organisation do not come into the orbit of this thesis. The eighteenth century saw the beginnings of trade-unionism in Scotland. At first they were in some ways imitative of the former guild organisation, insisting on craft regulations, attempting to enforce a monopoly of labour and providing various benefits for their members. However,

workers thus associated for self-help in providing against the risks of life could hardly ignore their common interest in their conditions of employment.¹

Thus, as early as 1748 journeymen tailors in Edinburgh struck for higher wages and a similar combination occurred among the Aberdeen tailors in 1768. The coopers, wrights and masons in Glasgow, the boxters in Dundee, the weavers in Paisley and the Hawick stocking makers were among these to some extent unionised during the century.² Discussion of these developments and of much of the industrial action which accompanied them cannot be dealt with adequately here.

There are however a small number of disturbances which are either closely associated with such industrial action or which occur in a work context. Examples of the former type include the weavers' strike of 1787 in Glasgow during which some of the weavers marched through

1. W.M. Marwick, A Short History of Labour in Scotland, (Edinburgh 1967), p.4.
2. Ibid., pp 4-5; J.L. Gray 'The Law of Combination in Scotland', Economica viii (1928) 335.

the city and its suburbs smashing the looms of black-leg weavers and returning low-priced webs to the manufacturers. In a clash with the troops eight men died. Some years later seamen at Aberdeen occupied ships in the harbour in a claim for higher wages and twice in 1815 unemployed seamen at Greenock demonstrated vociferously and violently against their enforced idleness. Again in Aberdeen, the wrights and the coopers clashed on the city streets in a way more reminiscent of rival medieval guilds than modern trade unions. Behind this facade, however, lay the beginnings of a form of trade unionism. The industrial revolution in Scotland, as elsewhere, attracted immigrant labour to do some of the really hard back-breaking but essential work. As at Pollockshaws in 1810, this alien influx sometimes caused friction and violence.

In June 1787, the apprentice handloom weavers of Glasgow and district learned that the manufacturers planned a 25% cut in the prices paid for weaving. This was the second cut in eight months since wages had already been reduced by six or seven shillings (30p or 35p) a week in November 1786.³ Crowds of weavers met on Glasgow Green to appoint committees to meet with the masters, to receive their ultimatums and to report'.⁴ On 30 June several thousand met again to hear the committee's report. These ~~were~~ were so unsatisfactory that 'they unanimously resolved not to work at the reduced prices'.⁵ The strike

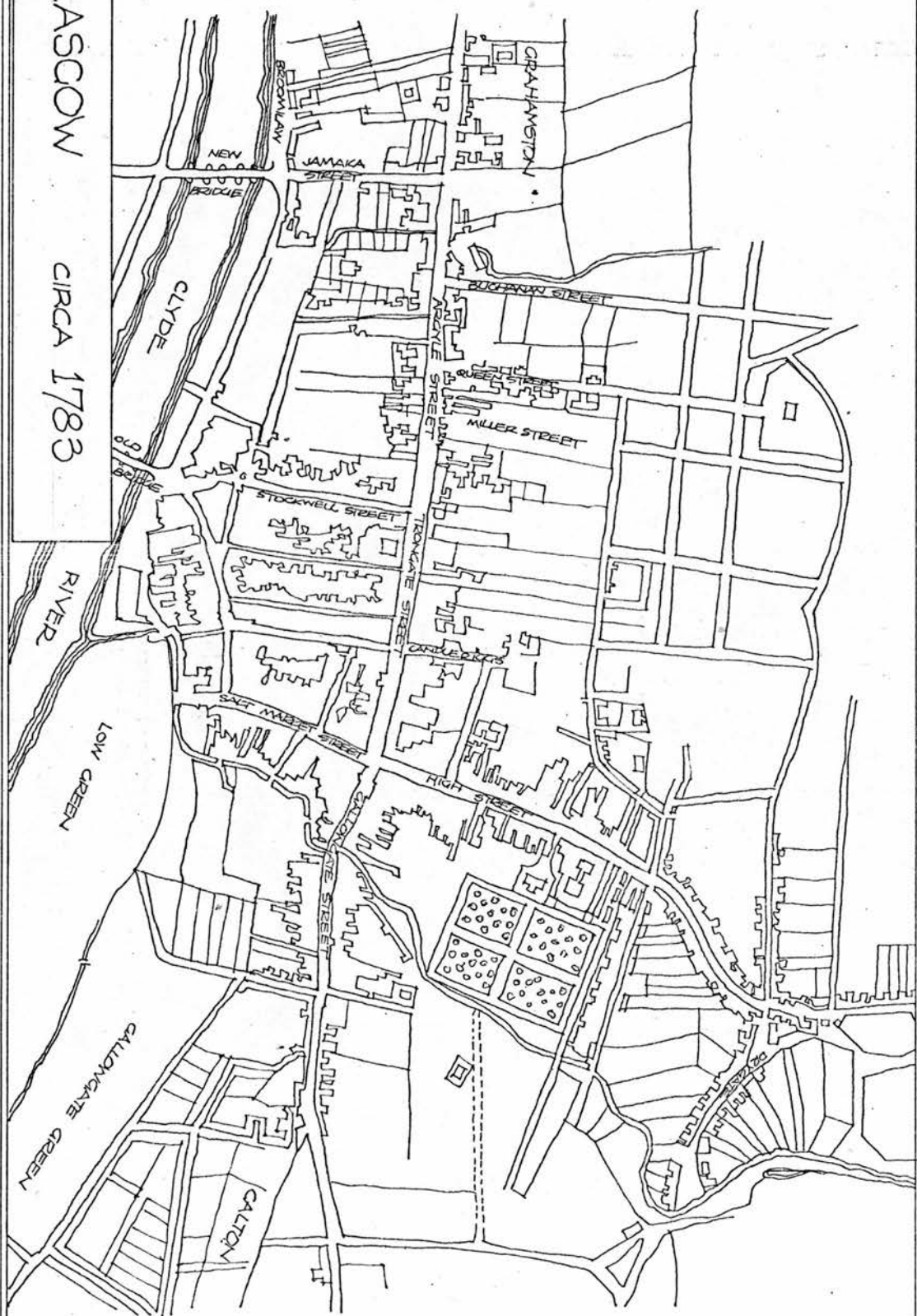
3. Anon., Calton Weavers' Memorial, 1787, The First Recorded Industrial Strike in the History of Glasgow (Glasgow, 1931), p.4.

4. Scots Magazine, xl, (July 1787), 359.

5. Ibid.

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was on and soon the employers retaliated by deciding that no work would be given out to the weavers until they accepted the new prices.⁶ The weavers' strike, therefore, was in effect a lockout. Throughout the period of the strike/lockout the weavers were active in returning low-priced webs to the manufacturers or, on occasions, burning them in the streets. The problems of organising weavers in a strike in this way were enormous since they were not only physically dispersed in small workshops or in their own home, but also worked different materials for different prices and so their interest were not always seen to be the same.⁷ Nevertheless for over two months the strike remained relatively solid but without achieving its purpose. Blackleg weavers continued working and their activities led to the blackest day of the strike and its virtual collapse, when eight weavers were shot dead by troops.

On Saturday, 1 September 1787, the striking weavers again met on Glasgow Green and as a result a crowd of them went to Anderston to take the webs from the looms of the weavers who were continuing to work. About 12 or 13 webs were returned to the manufacturers' warehouses by hundreds of weavers.⁸ The following Monday, 3 September, crowds of weavers again gathered to seize the webs of blackleg weavers. Any weaver who was working a web was liable to be asked to show his 'web-ticket' to prove that he was not working at the reduced prices. If

6. Calton Weavers' Memorial, p.4.

7. See e.g., Brenda Gaskin, 'The Decline of the Hand Loom Weaving Industry in Scotland during the Years 1815-1845', Unpublished Edinburgh PhD thesis, 1955, p.174 and passim.

8. JC26/250, H.M. Advocate v. James Granger, Decl. of Granger, 15 February 1788.

he was, his web was seized and carried back to the manufacturer or in some cases destroyed by the weavers.⁹ On that Monday one of the prime targets for the striking weavers was the shop of David Ferguson and his son Adam in Camlachie. It was alleged that the crowd broke in, removed webs and destroyed looms.¹⁰ James Granger, a Calton weaver, very much involved in organising the strike, himself saw the crowd manhandling David Ferguson. The crowd had Ferguson 'elevated upon a stick and caus[ed] him ride the stang', to show their contempt for him.¹¹ Later in the day the focus of crowd activity moved from the suburbs of Glasgow to the east end of the Gallowgate, just outside the city. The weavers from Camlachie were met at the city boundary by the Lord Provost and some of the magistrates who tried to persuade them to disperse quietly and not to enter their jurisdiction. The crowd would not listen, especially as the magistrates represented the interests of the manufacturers, and forced them to retreat westwards along the Gallowgate. Stones were thrown by the crowd and the Lord Provost decided to call out the troops of the 39th Regiment.¹²

The troops were assembled at Glasgow Cross while the weavers moved north to the east end of the Drygate, having decided to take the webs they had already collected back to the manufacturers' warehouses before they dispersed. They met the troops who were by now drawn up

9. JC3/45, Books of Adjournal, xlv., Ind. against Granger, 21 July 1788.

10. Ibid.

11. JC26/250, H.M. Advocate v. James Granger, Decl. of Granger, 15 February 1788.

12. Ibid., Indictment against James Granger, 21 July 1788 and Decl. of Granger, 15 February 1788.

on the Drygate bridge. There then ensued a confused confrontation in which the magistrates who accompanied the troops tried to get the crowd to disperse, and the Town Clerk, John Orr, tried to read the Riot Act. The leaders of the weavers remonstrated with the magistrates. James Granger argued with Mr. Wardrop of Springboig that it was unreasonable to require a reduction in prices for the weavers when the cost of everything else was going up. As the arguments and counterarguments went back and forth, the pleas of the magistrates were ignored and part of the crowd began to stone the troops. Before the Town Clerk had managed to read the Riot Act, the troops were ordered to prime and load.¹³ Almost immediately the soldiers fired and three weavers were killed at once. Five others died later.¹⁴

Despite the fatalities, disturbances continued the following day. This time the crowd were again active in Calton.¹⁵ More troops were called into the city from Beith in Ayrshire to try to prevent the striking weavers from further attacks on blacklegs.¹⁶ This move seems to have been successful since no further crowd activity was reported. To all intents and purposes the dreadful incident on the Drygate bridge meant the collapse of the strike.

The pursuit of those believed by the magistrates to have been guilty of being active in the disturbances took some time and in only one

13. Ibid., Decl. of Granger, 15 February 1788.

14. Meikle, op.cit., p.64.

15. JC26/248, Ind. against Duncan McDougall et al., 23 April 1788.

16. Scots Magazine, xl. (September 1787), 466.

case was, from their point of view, successful. James Granger left Glasgow very shortly after the disturbances and was not seen or heard of until February 1788 when he was arrested. He was not brought to trial until 21 July 1788 when he appeared at the High Court in Edinburgh. He was charged, along with others, with,

illegal combination to keep up wages, assembling in a great number in a riotous manner in a populous city, resisting, opposing and obstructing the magistrates forcibly entering houses or workshops of tradesmen and others and seizing or carrying off or destroying goods in their possession, or webs of linen or cotton ¹⁷

Simple combination was not established as a crime in the Law of Scotland until the weavers' strike of 1812-13. In this case, while no objection was made to the relevancy of the charge of combination, it is clear from the opinions expressed by the Court that the substantive crime was 'mobbing and rioting' and that combination was only a part of a complex of charges.¹⁸ It may be that it was felt prudent to try him in Edinburgh rather than in Glasgow and in view of the sentence given him on his conviction this precaution was a wise one. On 25 July 1788 Granger was sentenced to be whipped through the streets of Edinburgh on 13 August and then to be banished from Scotland for seven years from 15 October.¹⁹ It is unlikely that this sentence could have been executed in Glasgow without some attempt at popular intervention. Nevertheless, in congratulating the jury on their verdict, the Lord Justice-Clerk commented that:

17. JC3/45, Books of Adjournal, xlv, Indictment against James Granger, 21 July 1788

18. Scots Magazine, 1, (July 1788), 360-361, See also Gray, op.cit. 336

19. JC3/45, Books of Adjournal, xlv, Sentence against James Granger, 25 July 1788

he was sorry to say, the common people had too generally imbibed the idea, that the crime of which the pannel had been convicted was a very venial one; whereas, he would venture to say, there could not be any one figured so destructive to society, and so highly atrocious in its nature and tendency.²⁰

However, in deciding on the sentence of a public whipping even the bench was divided, Lord Askgrove believing it to be too degrading and undignified. The majority supported the cruel and humiliating punishment²¹ which was certainly designed as a deterrent to other weavers. The sentence did not deter James Granger who lived until he was 75²² and was involved in the more massive and more tragic weavers' strike in the West of Scotland in 1811-1812.²³ Most of the others who were charged with illegal combination and other crimes in 1787 fled from justice.²⁴ John Stuart stood trial and was acquitted of mobbing, rioting and assault.²⁵ Despite this the Lord Justice-Clerk lectured him after his acquittal that he should not get involved in such activities again or he might not find another jury so sympathetic.²⁶

20. Scots Magazine, 1, 360, (July 1788).

21. Ibid., 361.

22. Calton Weavers' Memorial, p.11.

23. JC26/363, H.M. Advocate v. William McKimmie et al., 12 March 1813. James Granger was one of those accused of illegal combination on that occasion.

24. JC26/248, H.M. Advocate v. Duncan Cherry and H.M. Advocate v. Duncan MacDougall et al., both 23 April 1788 and H.M. Advocate v. John Stewart 10 and 12 March 1788.

25. JC3/44, Books of Adjournal, xliv, 10 and 12 March 1788.

26. Scots Magazine, 1, (March 1788), 151.

The Weavers' Strike of 1787 was one of the first determined attempts by working people in Scotland to resist the efforts of employers to treat their labour as a commodity whose price they could determine at will. The weavers were perhaps among the first to learn that Adam Smith's 'hidden hand' often required assistance from a 'combination' of employers. (Smith was well aware that combinations of employers were as common, although less publicised, as those of workers and he was prepared to defend both.²⁷) Despite the success of the weavers of 1787 in holding out against the employers for several months, the difficulties involved in organising such a dispersed and individualistic group of workers meant that a decline into a pre-industrial mode of action - popular direct action against blacklegs and figures of authority - was inevitable. Like the other industrial disputes/popular disturbances we are going to look at, the Weavers' Strike of 1787 has some hallmarks of combined industrial action, looking forward to the formation of trade-unions and the formalisation of industrial disputes, as well as the hallmarks of the pre-industrial riot.

The seaman's strike in Aberdeen was one bearing such hallmarks. We have already noted that Aberdeen experienced disturbances featuring the Tree of Liberty in December 1792. In his letter informing Lord Adam Gordon, the Commander-in-Chief, of these disturbances, Lord Provost George Aldiss was much more concerned about another matter, because,

27. Adam Smith, Wealth of Nations, (Andrew Skinner, ed., 1970), pp. 171-2.

....within these few days a commotion of a more serious nature has appeared. The Sailors in a very considerable number have assembled, to force an advance of wages. ²⁸

Seamen had been on strike on the Tyne in October and November 1792 ²⁹ but the men in Aberdeen were apparently seeking wages in advance of what had recently been gained at Newcastle and at Leith. ³⁰ The Provost was writing to Lord Adam Gordon to ask for troops and a warship to be sent to quell the seamen. Gordon replied by despatching two companies of the 42nd Regiment. ³¹

The sailors, once their pay demands had been rejected, boarded all the vessels in the harbour, stopped all the loading and unloading of cargoes, unrigged any ships that were ready to put to sea, and set night and day watches on all of them. Despite the alarm of the Provost and the fear of violence, only one act of violence against individuals was recorded and this was against a workman trying to remove a package from a ship, 'whom however they frightened more than hurt'. ³² The magistrates of Aberdeen, without military support, decided to play a waiting game and, 'wore out with incessant Watching', the sailors agreed to put their case to the arbitration of three local merchants. This was accepted by the magistrates on condition that the sailors disperse after the ships had been re-rigged and restored to their

28. H.O. Corr., RH2/4/66, f235, George Aldiss to Lord Adam Gordon, 5 December 1792.

29. Norman McCord and David Brewster, 'Some Labour Troubles of the 1790s in North-East England', International Review of Social History, xiii, (1968), 366.

30. H.O. Corr., RH2/4/66, f.235, Aldiss to Gordon, 5 December 1792.

31. Ibid., f.233., Lord Adam Gordon to Henry Dundas, 7 December 1792.

32. Ibid., f.235., Aldiss to Gordon, 5 December 1792 and f.317., Aldiss to Robert Dundas, 5 December 1792.

previous condition. While the Provost said that it was the sailors who agreed to arbitration there is a suspicion that it was the ship-owners who were forced to accept it. Aldiss did not at first realise that the organisation of the sailors was 'so extensive in its numbers or so formidable for the Method, regularity and resolution of the actors as I have since found it to be'. The magistrates, although willing to assert their authority, lacked the military power, had not secured the confidence of the citizens and so feared to oppose the sailors. They therefore waited until the arbitration compromise was reached. Concluding his report on the affair to the Lord Advocate, the Provost hoped that 'the whole matter will be allowed to sleep'.³³ And that, as far as we are aware, it was allowed to do.

The affair at Aberdeen was clearly a successful strike by the seamen rather than a popular disturbance. There were, however, elements in it which are reminiscent of popular direct action, for instance of the kind seen in some meal riots referred to previously. The seamen did not simply withdraw their labour: they took active steps to prevent the loading and unloading of ships and to ensure that no ships were allowed to leave the harbour. At Greenock, in March 1815, seamen were also involved in direct action which on this occasion had more elements of a popular disturbance than a strike. One evening a crowd of seamen gathered on the New East Quay at Greenock where the Resina, bound for Halifax, Nova Scotia, was lying. The crowd boarded the ship, overcame any resistance, mounted the rigging and shrouds and then cut and destroyed much of it so that the departure

33. Ibid., f.265, Aldiss to Robert Dundas, 9 December 1792.

of the ship was delayed for several days.³⁴ The reason for the attack on the Resina was 'on account of the Master of her having broke down the Seamen's wages'.³⁵ Unemployment among the sailors at Greenock was high as the Royal Navy ran down its fleet at the end of the war: of the four men accused of mobbing and rioting three were unemployed sailors.³⁶ Henry Gemmill, the master of the Resina must have taken advantage of the situation to force down the wages offered to those signing on for his voyage to Nova Scotia.

Greenock was again the scene of industrial trouble among sailors a few months later when a crowd of them marched through the streets behind a banner attached to an oar. Their demands are not clear but are almost certainly also associated with the continuing lack of employment for sailors in Greenock. In fact John Johnston, who was identified as the flag bearer, was a seaman lately discharged from the Royal Navy. He and a 'vast number' of others then present in Greenock were probably protesting both about the lack of work and about the low wages offered when they could get a ship. The procurator-fiscal of the Admiral Court in Greenock, who reported the events to the Crown Agent, thought that the disturbance was now over and further action might exacerbate matters.³⁷ A further letter confirmed this.³⁸ The two incidents at Greenock are different from the strike at Aberdeen,

34. JC26/372, Ind. against William Henderson et al., 25 April 1815.

35. Ibid., Decl. of James Norris, 24 March 1815.

36. Ibid., Decls. of James Ruff, Thomas Hattrick and James Norris, 24 March 1815.

37. AD14/15/8, George Williamson to Hugh Warrender, 25 September 1815.

38. Ibid., same to same, 30 October 1815.

and appear to have been much more outbreaks of frustration and anger than attempts to achieve specific ends by the use of industrial action. The situation in Aberdeen in 1792 was, of course, one of relatively full employment and it was the ship-masters who were in the weak position of needing seamen and who had finally to compromise with them. In Greenock at the close of the Napoleonic war and the beginning of the post-war slump, there were fewer jobs than seamen, many of them newly discharged from a Navy that had no further use for them. Greenock was full of unemployed sailors and there was little or no prospect of employment. The result was one or two outbursts of direct action which had little hope of success.

Earlier than the seaman's strike, a disturbance of a slightly different nature also occurred in Aberdeen. As early as 1732 there existed an Aberdeen Wrights' Society.³⁹ In December 1785, David Pirie, a journeyman flesher in Aberdeen, explained in his judicial declaration that it was

usual for Servants of different Corporations of Aberdeen in imitation of their Masters to Hold Meetings and Elect Nominal Deacons and Boxmasters and from these Nominal Office-bearers they also form a Nominal Convenor Court and Elect a Convener and Master of Hospital. 40

Pirie himself had been Master of Hospital for five or six years. The apprentices and journeymen of each trade thus formed their own organisation as well as a 'Convener Court' which brought the Deacons of the various trades together. It is not clear whether the titles

39. W.H. Marwick, A Short History of Labour in Scotland, p.5, W. Diack, History of the Trades Council and the Trade Union Movement in Aberdeen, (Aberdeen, 1939), pp.4,6.

40. JC26/242, H.M. Advocate v. Morice, et al., Decl. of David Pirie, 7 December 1785.

used referred to actual functions or were simply honorific but in emulation and imitation of the old, monopolistic Trade Incorporations of the employers - the master tradesmen - the journeymen and apprentice tradesmen were clearly beginning to organise themselves. Although mimicking the officials and methods of the old guild, in practice they operated like a rudimentary trade union by controlling entry into the trade. George Pirie, a journeyman wright who was elected in November 1785 as Convener of the journeyman societies, explained how the journeyman wrights kept a record of their elections and of the apprentices entering the trade. On entry each apprentice 'has his head washed' as an initiation and all concerned took oaths 'to keep their word secret'.⁴¹ While in some ways the Journeymen Societies of Aberdeen looked forward to trade unionism, they also looked back to more turbulent and less cooperative methods of settling disputes between different groups of workers. In October 1785, this resulted in a clash on the streets of Aberdeen between the journeymen wrights and the journeymen coopers.

On 17 October 1785, the Wright Apprentices and Journeymen of Aberdeen met to elect their office bearers.⁴² The elections were followed by a parade of wrights. During the procession a group of coopers and blockmakers attacked the wrights and tried to seize their flag or banner. After the attack had been repulsed the new Deacon, Thomas Morice, and others resolved to be 'revenged of the Coopers'.⁴³

41. Ibid., Decl. of George Pirie, 7 December 1785. This is confirmed by Roger Shand, clerk to the Wright Apprentices and Journeymen of Aberdén. Ibid., Decl. of Roger Shand, 6 December 1785.

42. Ibid., Decl. of Andrew Nicol (Boxmaster) 18 October 1785.

43. Ibid., Decl. of Thomas Morice, 18 October 1785.

They decided to meet at 10 the following morning and agreed that

if the Coopers did not Appear to Fight them they should go to their Shops and take them and cause them to fight.

Alex Ross, a ballad singer and china mender by occupation but apparently an errand runner for the wrights, was ordered to let any wright know about the intended 'parade' as he euphemistically described it.⁴⁴ As arranged forty or fifty wrights met on the morning of the 18th and, led by Thomas Morice, their Deacon, who admitted carrying a sword, they marched behind their flag in search of coopers to fight. They found and attacked some at the Shore. In the centre of Aberdeen two officials of the Incorporation Coopers tried to get them to disperse but they were ignored.⁴⁵ The Provost of Aberdeen somehow persuaded Andrew Nicol, the boxmaster, to surrender the flag that he was carrying. The wrights, however, objected strongly to this and the flag was very quickly snatched back and returned to Nicol.⁴⁶ After the Lord Provost's unsuccessful interference, troops were called in to disperse the apprentices and journeymen. They were more successful: the wrights were forced to break up and several people were seized, including the Deacon and Boxmaster of the Wright Apprentices and Journeymen.

The specific cause of this disturbance is not clear. It may simply have been the continuation of a long standing feud between the

44. Ibid., Decl. of Alex. Ross, 18 October 1785.

45. Ibid., Decl. of Thomas Morice, 18 October 1785.

46. Ibid., Decl. of Andrew Nicol, 18 October 1785.

wrights and coopers, between two rival journeymen's societies rather than between two industrial or work-orientated interest groups. In the prosecution of those believed to have been responsible for the disturbance however there can be seen an attempt by the Incorporated Trades of Aberdeen, the employers' association, to take advantage of the situation to destroy or at least change the journeymen's organisation. There is evidence of this in the singling out of the Deacon and the Boxmaster of the Wright Apprentices and Journeymen and the involvement as co-defenders of both the Convener and the Master of Hospital of the combined trades. After the disturbance, the Convener of the Incorporated Trades of Aberdeen - the employers - issued a handbill 'Anent Riotous Meetings' and the magistrates published an advertisement forbidding illegal conventions or associations. On 5 November, however, the Convener Court, consisting of the Journeymen Deacons, met without the magistrates' authority and elected George Pirie as Convener. Only after that election, on 7 December 1785, were both the Piries, George, the Convener, and his brother David, the Master of Hospital, arrested and called on to make judicial declarations.⁴⁷ In all, nine men were charged with mobbing and rioting. One failed to appear and the case against two others was deserted by the crown. This left four top officials of the journeymen's organisation, Morice, Nicol and the two Piries, and three others, James Ross, a writer, Alexander Clark, a wright, and David Forbes, a shoemaker, to stand trial. We do not know what evidence was given on one side or the other at the trial, but the verdict was one of not guilty against the officials and one of guilty against the other three. The latter were each sentenced to two months in the tolbooth of Aberdeen

47. Ibid., Decl. of George Pirie, 7 December 1785.

and asked to find caution of six hundred merks for a year's good behaviour.⁴⁸ Whether because of the good sense or sympathy of the Aberdeen jury or because of the evidence given at the trial, this attempt by the masters to curb the organisation of their journeymen and apprentices failed.

The final 'industrial' disturbance is unlike the others in that there appears to have been no labour dispute. It took place, however, in a working context. The 'navvy', particularly the Irish but also the Highland and Lowland Scots, it was who made much of the industrial revolution possible by digging and blasting the canals and railways of Scotland and the rest of Britain. Such was the nature of their work and the discomfort and cheerlessness of their huts or lodgings that drunkenness and disorderliness were almost inevitable. Added to the animosity likely to exist between transient labourers and a local population, was the particular religious antipathy felt by Lowland Scots presbyterians for the alien Irish catholics who made up so many of the navvy squads.⁴⁹ Such hostility was behind a relatively trivial but probably typical clash between the weavers of Pollockshaws and Irish navvies working on the Glasgow, Paisley and Ardrossan Canal. Work began in 1807⁵⁰ and by the summer of 1810 had reached the vicinity of Pollockshaws. The labourers on the canal were lodged at Dunbreck nearby.

There seems to have been a simmering feud between the people of

48. JC11/36, North Circuit Book, xxxiv, 15 May 1786.

49. see James E. Handley, The Navvy on Scotland (Cork, 1970) chap. viii and passim.

50. Ibid., p.54.

Pollockshaws and the navvies, and on Tuesday 24 July 1810 a dozen or so navvies and some of the townspeople clashed on the streets of Pollockshaws.⁵¹ It is impossible to say which party was in the wrong; it was, however, the Irish navvies who found themselves in court, charged with mobbing and assault. The official case was that the navvies had come to Pollockshaws looking for a fight and had assaulted at least six of the inhabitants. When another crowd gathered to resist them, the navvies retreated but returned shortly with reinforcements. This group, armed with sticks, stones and pokers ran amok through Pollockshaws knocking down and beating anyone who got in the way.⁵²

James and Charles Gallagher, who were arrested and charged, told a slightly different story. James, who had come from Ireland two years before and who had worked on the canal for two months, admitted that he was present in Pollockshaws, drinking and dancing. He said he did not remember any of the evening's events because he was very drunk and had gone to bed.⁵³ His brother, Charles, however, said that he did remember what happened. On Tuesday 24 July, about seven in the morning, as he and the others were at work they received information that the Pollockshaws weavers were killing some of their fellow Countrymen.¹ Gallagher and some others, whom he refused to name, went to Pollockshaws to rescue their friends,

51. JC26/341, Ind. against J. and C. Gallagher, 4 September 1810

52. Ibid.

53. Ibid., Decl. of James Gallagher, 31 July 1810

but this they found themselves unable to do and were attacked and followed a considerable way from Pollockshaws fighting with stones, with those who pursued them. 54

At their trial,⁵⁵ the Gallaughers put forward written defences in which they put the blame for the fracas on the Pollockshaws people.

They accepted that a riot had taken place but it had been

begun and carried on by the weavers of Pollockshaws against the workmen of the Glasgow and Paisley canal in that neighbourhood, many of whom were Irishmen who were particularly obnoxious to the weavers of that place. 56

Their further plea that James had not been present at all and Charles only at the closing stages carries less weight than their claim that the whole incident was as much the responsibility of the local population. It is not improbable that what occurred in Pollockshaws was a clash between presbyterian weavers and papist labourers, between settled and skilled artisans and migrant, unskilled workmen, between native and alien. The law took the side of the local, settled and generally law-abiding population against the outsiders, the boisterous, hard-drinking and hard-working navvies.

In only three out of these five disturbances is there a direct connection with the beginnings of general trade union organisation

54. Ibid., Decl. of Charles Gallagher, 31 July 1810

55. JC13/37, West Circuit Book, xxxvii, 4 September 1810. James was found guilty of mobbing and assault and sentenced to 12 months in Paisley Tolbooth while Charles was convicted of mobbing only and sent to the tolbooth for 6 months.

56. JC26/341, H.M. Advocate v. J. and C. Gallagher, Written Defences.

and the rise of specifically industrial forms of direct action. A tenuous link can be established, however, even in the other two cases. The events at Greenock in 1815 bear more of the hallmarks of a violent and spontaneous demonstration against unemployment and low wages than an organised attempt to force ship-masters to take seamen on at reasonable rate of pay. That is not to say that there did not exist in the protesting groups a consciousness of their common plight and of the necessity to act together to gain redress. The point is that this consciousness has as much, if not more, in common with the consciousness of those involved in meal mobs as with those who were beginning to organise working people in trade unions. The other incident is the clash at Pollockshaws when the navvies and the weavers fought in the street. The Irish navvies were united not only by their common nationality but also by their common working situation; to a lesser extent the weavers were similarly united. On the other hand, the disturbances during the 1787 weavers' strike in Glasgow were incidents in the development of a form of trade-unionism among the handloom weavers in the west of Scotland. The organisation reached its peak in the years immediately prior to the ill-fated 1812 strike. The Aberdeen seamen were striking in support of a demand for wages equal or in excess of those recently granted to seamen in Leith and Newcastle. Seamen were in the course of their work in contact with fellow-workers in other parts and it is not unlikely that, having seen increased wages resulting from common action elsewhere, the Aberdeen seamen acted together to secure their own increase. It is not clear whether they did this formally in what can be described as a trade-union but the evidence indicates that an informal, possibly ad hoc, organisation of seamen existed in Aberdeen in 1792. Finally, the clash of weavers

and coopers in Aberdeen while reminiscent of medieval guild rivalry contained more positive and progressive indications. As the Trade Incorporations became almost exclusively societies of employing master craftsmen, their apprentices and journeymen emulated, and in a sense mocked, the masters' Incorporations. That they used this organisation for activities against the interests of the employers has been inferred from the prosecution of its office-bearers. If this interpretation of events is correct, then the 'Journeymen Societies' of Aberdeen were indeed rudimentary trade-unions. Taken together, these few disturbances indicate that working people in this period were beginning to see the advantages of common action in the industrial context. Often the mode of action was 'pre-industrial' but the thinking was becoming appropriate to the new industrial age.

CHAPTER EIGHT

ANTI-RECRUITMENT RIOTS

We have seen above that the ordinary people of Scotland did not relish the idea of compulsory military service. There are other examples of this spirit manifesting itself in the form of opposition to recruiting parties and of sympathy with those caught up in the machine of military discipline. Recruiting parties were resisted at Uig in the Isle of Lewis, the press-gang was repulsed at Campbelltown in Argyll, attempts were made to rescue imprisoned deserters at Kilmally in Inverness-shire and at Crieff in Perthshire, there was a clash between a recruitment party and townspeople in Castle Douglas, Kircudbrightshire, while in Perth the crowd supported an attempt by the mutinous Renfrewshire Militia to release an imprisoned militia-man. There were two other small incidents: a rather strange one at Ayr involving the local volunteers and another at Montrose. Within Highland regiments at least, mutiny was not an uncommon occurrence in our period. Before considering the non-military disturbances mentioned above, it is worth looking briefly at these mutinies.

It has been shown, in John Prebble's Mutiny,¹ that once in the army Highland soldiers in particular expected to be treated with some consideration. If that consideration was not shown, violent action was likely to follow. Just prior to the beginning of our period, in September 1778, the 78th Lord Seaforth's Highlanders had occupied Arthur's Seat outside Edinburgh in a successful attempt to force the payment of arrears of pay, the punishment of officers who had mistreated

1. John Prebble, Mutiny: Highland Regiments in Revolt, 1743-1804, (London, 1975). The following three paragraphs are based on this work.

their men and an assurance that they would not be sent to the East Indies. Just three years later, complete victory was denied them and the regiment was sent to India. This betrayal was made the more bitter when in 1784 they were disbanded on the Indian sub-continent, 10,000 miles from Ross-shire where they had been promised discharge. Six months after the Seaforths' mutiny, the 76th Lord MacDonald's Highlanders mutinied at Burntisland when they saw the transports in the Forth ready to take them to North America. They believed that they had been sold to the East India Company but they also had complaints about the non-payment of pay due to them. Only after Alexander, Lord MacDonald of MacDonald and Sleat, chief of the Clan Donald, gave his solemn word that they were not bound for India and himself paid their arrears, did the 76th agree to board the transport ships. The following month over sixty of the 42nd and 71st Frasers' Highlanders violently refused to be drafted into a Lowland regiment. They shot it out with the Duke of Buccleuchs' Fencibles on the shore at Leith, losing twelve dead and killing five on the other side, before surrendering.

In 1794 and 1795, after the outbreak of war with revolutionary France, the British Government, short of men to fight at home and overseas, and facing the threat of invasion, again broke faith with its Highland regiments. Twenty-three Fencible regiments were raised in the Highland area on the basis that they would not be required to serve outside Scotland unless and until the enemy landed in the south of England. In March 1794 the 6th Northern (Gordon) Fencibles at Edinburgh and the 1st Strathspey (Grant) Fencibles at Linlithgow mutinied when they were first ordered and then asked to volunteer to sail to the

south of England. Added to their conviction that they need not serve outwith Scotland was their suspicion of the Government's motives as exemplified by the earlier treatment of the 78th. Later, in December of the same year, the 4th Earl of Breadalbane's Fencibles, embittered by the excessive deductions and harsh discipline of their officers, mutinied and rioted in Glasgow when one of their number faced a court martial for allowing a deserter to escape. Six months later at Dumfries the 1st Strathspey (Grant) Fencibles, groaning under intensive discipline and long hours of military exercise imposed on them in order to avoid a repetition of the Linlithgow mutiny, finally broke again. When they first feared they might be denied access to the meal market by being kept too long on the practice-field, and then had one of their number arrested, mutiny broke out. The town of Dumfries was the scene of a violent struggle as the mutineers attempted to rescue the original prisoner as well as another who had joined him under arrest.

The apparent betrayal of a promise to disorganised, disillusioned and bewildered Highlanders again caused violent opposition to military orders at Glasgow in August 1804. Recruits to the Canadian Fencible Regiment were promised free passage to Canada for themselves, their wives and families as well as a grant of land when they were discharged. When the regiment eventually got as far as Glasgow it was still without uniforms and weapons and the officers were strangers to the Highland recruits. Short of pay the Highlanders were forced to seek casual labour in the town in order to protect their families from starvation. The starving soldiers finally refused orders to march to the Isle of Wight, fearing that they would be further betrayed by being sent to the East Indies and separated from their families for ever. Although

their resistance was successful and the regiment remained in Scotland, the final breach of faith was yet to come. When it had returned to its duty, the regiment was disbanded. The Highlanders were left, despairing, denied the chance of emigration, penniless, far from their old homes and an easy prey to the recruiting agents of the West of Scotland - both military and industrial.

The Highlands and Islands of Scotland served the British Government in the eighteenth century as a large reservoir of military man-power, of cannon fodder. In the 1790s this situation began to deteriorate from the point of view of the Government, as we have seen when discussing the Militia Riots of 1797.² One incident which illustrates the consequences of the severe loss of confidence by the men of the Highlands in the trustworthiness of their landlords and military commanders and in the British Government, occurred in Lewis in the Spring of 1793, just a few months after the outbreak of the war with revolutionary France and at a time when an increase in military forces was desperately needed. The disturbance was largely confined to the parish of Uig on the island of Lewis and concerned the recruitment of men for the 78th Fencible regiment raised by Fraser Humberton MacKenzie of Seaforth. Two reasons were put forward by those concerned in the affair on the official side: one was that opposition was stirred up against recruitment by old soldiers who had been discharged from the 78th after the American War of Independence, while the other was that the people were under the influence of the new democratic ideas. Given that these factors were not mutually exclusive and since there is evidence that both were in operation during

2. See above, Chapter 3, 'The Militia Riots'

the period when the disturbance took place, it is reasonable to assume that they can be attributed to both these reasons.

In February 1793 the Secretary at War, Sir George Yonge, bart., gave F.H. MacKenzie of Seaforth approval for his plan to raise a Fencible corps for the internal defence of North Britain, which was to consist of six battalion companies, one company of grenadiers and one company of lightinfantry. The regiment was to serve anywhere in Scotland and was not to leave Scotland unless England was actually invaded. It was specified that the men of the regiment were not to be drafted into regular army units nor was the regiment to be disembodied in England but marched back to Scotland for that purpose.³ It seems that Seaforth began his recruiting for the regiment in Kintail and it was nearly complete there when he went over to Lewis. There he found 'evil-minded people' spreading 'pernicious doctrines' so that 'a few hundred turbulent people in the parish of Uig had assembled, and threatened to impede the recruiting service'. Three hundred or more Lewismen had, he believed, armed themselves and had

taken to a hill, where they had taken an oath to stand by each other, and vow death to any Serjeant, Drummer or other Recruitor, who dares enter the parish, and also threaten with death whoever dares Inlist.⁴

3. H.O. Corr., RH2/4/69, ff.370-371v., Sir George Yonge, Secretary at War to F.H. MacKenzie of Seaforth, ? February 1793.
4. H.O. Corr., (Suppl.), RH2/4/207, p.465, F.H. MacKenzie of Seaforth to Lord Adam Gordon, 27 April 1793.

No recruiting parties had yet been in Uig so this action does not seem to have been taken in response to a specific incident but owes its origins to a general opposition to or fear of enlistment in the 78th. Seaforth believed that, as well as this determination to obstruct recruitment to his regiment, 'many of the mad doctrines of popular fanaticism so prevalent at present, have got among them'.⁵ This was confirmed when a man deserted the 'Insurgents', as Seaforth called them, to come and enlist voluntarily. 'He reports' wrote Seaforth,

Some evil minded persons have informed the people I had no legal authority to recruit; that the news of the spirit with which the Kintail people rushed forward to serve, was a fiction, and that the people of Scotland at large were assembling to assert their rights.

Seaforth mentioned that even in remote Stornaway handbills had been distributed and pasted up urging the people to meet to discuss 'the inflammatory cant of the day' while copies of Paine's Rights of Man and other similar works had arrived in the town unordered - 'and God knows by whom'.⁶

In order to attempt to overcome the people's resistance, Seaforth bravely decided to go alone, except for an interpreter, into their camp. The fact that he needed an interpreter is a mute commentary on the nature of the relationship between the late eighteenth-century Highland landlord and his tenants and might go some way to explain the

5. Ibid., p.466

6. Ibid., p.467

suspicious felt by the men of the parish of Uig. On the other hand, his readiness to go to speak to them personally displayed some of the traditional attitudes of a chief to members of his clan and may have helped to avoid serious violence. When he met the men they explained that they had no complaints against their landlord but they would not disperse peacefully until all recruiting was over in Lewis since, 'as the Publick had Broken Faith with the late 78th Regiment, there was no saying but they might do the same by this regiment'.⁷ When the 'old' 78th (which was renumbered the 72nd when the 'new' 78th was raised⁸) was raised the men were told that they would be brought back to Ross for discharge but instead were discharged in the East Indies and attempts were made to force them to enlist for a new term. Only those with more money than most soldiers or who managed to work their passages got home while the rest were doomed to remain. It was old soldiers of the 78th who had experienced those times who were leading the present refusal to be recruited.⁹ They stated that they would behave like good tenants if they were left alone but that otherwise they would stand by each other and would not enlist, nor would they disperse until Seaforth promised none of them would be enlisted.

For his part, Seaforth tried to placate the men, telling them that nothing would be done to force them to enlist nor would military force be used against them if they dispersed quietly. His assurances wore a little thin when he went on, as a magistrate, to explain the

7. H.O. Corr., RH2/4/71, f.238v., Donald McLeod, Sheriff-Depute of Ross to Robert Blair, Solicitor-General, 23 May 1793.

8. Scots Peerage, vii, 513.

9. H.O. Corr., RH2/4/71, f.238v., McLeod to Blair, 23 May 1793.

illegality of their assembling 'with the avowed intention of Obstructing his Majesties Service in Recruiting his Army'. ¹⁰ It is clear from the Lewismen's fear of the recruiting parties, even before they arrived in the area, that enlistment into Seaforth's Fencible Regiment was not, in any real sense, voluntary. If that had been the case, then the tenants of the MacKenzie lands would have simply had to refuse to enlist. To have done so, however, would almost certainly have meant the eviction not only of the reluctant soldier but of his family as well. Highlanders and Islesmen may well have made good soldiers but they did not necessarily go willingly to be fencible men. Seaforth concluded his remarks to the men on the hill by apologising for the breach of public faith towards the old 78th Regiment although he himself, he assured them, had not been responsible. Perhaps adding present insult to previous injury, he said further that 'if their complaints had been well-founded ... upon Proper Application Redress would have been obtained'. ¹¹ As one who had been from 1784 to 1790 and would be again from 1794 to 1806, M.P. for Ross-shire, he evidently had more faith in the eighteenth-century political process than the men of Lewis.

Not surprisingly, his remarks had no effect and the people remained where they were, giving the Sheriff-Depute of Ross, Donald McLeod, the problem of what to do about a crowd of between two and three hundred armed men. In fact there had been no violence and the Sheriff did not fear any but what he did fear was the simple fact that so many ordinary people were, in these times of democratic talk,

10. Ibid., f.239.

11. Ibid., f.239.

gathered together in one place. He believed they would simply disperse after a time,

but in these times, when so much is to be apprehended from a Spirit of Anarchy spreading among the Lower Classes, is it fit that a Case of this kind should be overlooked? 12

If he were to move against the people, he had another problem - he had no force at his disposal other than a new Fencible Regiment on whom he placed no confidence, especially in the present circumstances. His suggested solution, 'if it should be thought proper to take any notice of this Mob', was to send a naval vessel with a few Marines on board, 'when besides Impressing as many Good men as might Recompense their Trip, the Ringleaders of the mob might be seized and delivered over to the Civil Magistrate for Trial'.¹³ Thus if the poor tenants of Uig would not allow themselves to be forced into military service, then they would be pressed into naval service.

Fortunately for those concerned, however, the reply received from the Lord Advocate in Edinburgh recommended a much more prudent course of action. It was not possible at that juncture to send a naval cutter or sloop to Lewis and therefore 'as these Persons have not committed any strong act of violence' it was hoped that they could be 'induced to see the illegality of their associating to obstruct the Public Service' and disperse quietly.¹⁴ By the second week in June the people

12. Ibid., f.239v.

13. Ibid., f.240.

14. S.R.O., GD46/4/232(2), Seaforth Papers: Robert Dundas to Donald McLeod, Sheriff-Depute of Ross, 31 May 1793.

were reported to have done so without any trouble being caused.¹⁵ The situation in Lewis may, however, have been riskier than the authorities thought. It was believed that the dissidents in Uig had been in contact with, if not incited by, men in Greenock and Inverness who had already been recruited into Fencible regiments, who shared their suspicions and who may have been influenced by the current democratic ideas.¹⁶ At the end of June, when the disturbances (if they can be so called) were over and the 78th had arrived at Fort George, near Inverness, Seaforth, as Colonel of the regiment, reported to Lord Adam Gordon his Commander-in-Chief, that a French privateer had arrived off Lewis. He reminded his commander of earlier rumours, emanating from Greenock and Inverness and reaching as far as Edinburgh, that if the Uig men held out long enough they would be supplied with arms. Seaforth felt, with some justice perhaps, that the arrival of a French privateer at this point was rather more than coincidental.¹⁷ If the French ship's arrival was connected with the Uig disturbance, then it was some four weeks late, and after about a week in the area, she left without doing any damage or causing any further disturbance.¹⁸ If there was more than coincidence involved in the privateer's visit to the Western Isles, then the potential of the Uig disturbance was more than was realised at the time or has been suspected until now.

15. S.R.O., GD46/4/232(1), Seaforth Papers; Donald McLeod to F.H. MacKenzie of Seaforth, 12 June 1793.

16. H.O. Corr., RH2/4/71, f.239v., Donald McLeod to Robert Blair, 23 May 1793.

17. Ibid., f.301, (Lt. Col.) F.H. MacKenzie of Seaforth to Lord Adam Gordon, 30 June 1793.

18. Ibid., f.311, Same to Henry Dundas, 6 July 1793.

If, until 1797, the land forces raised in Scotland were at least nominally volunteer forces, there was no such pretence used by the Royal Navy. Its classic method of 'recruitment' was the use of the press gang by the Impressment Service whose function it was to seize able-bodied men, preferably seamen, on shore and force or 'impress' them into naval service. Not surprisingly, the activities of the press gangs were to say the least unpopular in the towns and villages where men earned their living on the sea. This hostility is illustrated by an incident which occurred in early February 1795 when HMS Hazard, sailing from Stornaway down the west coast, arrived at Campbelltown in Argyll. Having dropped anchor in Campbelltown Loch her commanding officer, Captain R.D. Oliver, 'seeing a great many idle People at this place who are just returned from the Fishing ... determined to endeavour to procure some for His Majesty's Service'.¹⁹ The people of Campbelltown, the women in particular, were not prepared to stand by and let some of the men be carried off in this manner and to some extent the Navy ensured by their actions that they would be successful in opposing the press-gang.

Captain Oliver sent a party ashore under the command of a Lt. Hunt who, when he landed, sent a boy with the Impress Warrants to the house of the Provost of Campbelltown, John Porter.²⁰ In order for the press-gang to act legally it was necessary for the chief magistrate or his deputy to countersign these warrants authorising the operation. In the circumstances, and from the point of view of the Navy, Lt. Hunt made two fatal errors: he failed to wait for the warrants to be returned and, as a result, he failed to realise that Provost Porter was absent from

19. H.O. Corr., RH2/4/78, f.39, Captain Oliver to P. Stephen, Admiralty Office, 5 February 1795.

20. Ibid., ff.187-187v., Decl. of Hugh Macallum, 1 May 1795.

Campbelltown and would not return for two weeks. By the time Bailie Macallum, who was the next senior magistrate along with Bailie Fleming and who could have authorised the press-gang, arrived on the scene the damage had been ~~done~~ because Hunt had already seized four men and sent them on board the Hazard.²¹ The Lieutenant seems to have carried these four off before anyone in the town realised what had happened, but by the time he and his party returned from the New Pier a hostile crowd of women had gathered to bar their way back into Campbelltown. Two excise-men who met the press-gang asked them not to proceed because of the women and because the town was in a state of alarm, but Hunt ignored them.²² Shortly after this time, William Watson, a local merchant, came upon Hunt, who, sword in hand was facing a crowd largely consisting of women. They called out to the merchant that Hunt was impressing without authority and suggested that Watson should knock him down. When Watson, who got hit on the head by a stone meant for Hunt, discovered that Hunt was indeed impressing without proper authority he told him to put up his sword and accompany him to Bailie Macallum's shop. This Hunt did, but all the time Watson feared the wrath of the crowd, 'more especially as both in the Street and in the Shop he was making use of language to the Mob and even to those that protected him, that was by no means conciliatory'.²³ One witness stated that Hunt had insisted on being let out of the shop so that 'he might cut his way through the people and show what a havock he would make among them'.²⁴ Another recalled

21. Ibid., f.187.

22. Ibid., f.190, Decl. of Robert Macgregor, 2 May 1795.

23. Ibid., f.191-194v., Decl. of William Watson, 2 May 1795.

24. Ibid., f.200, Decl. of Hector MacNeill, 11 May 1795.

that he had threatened to bring the Hazard along-side the town and blow it up. ²⁵ Hunt shouted these threats so loudly that few of the crowd outside could have failed to hear them. ²⁶

While their Lieutenant was being sheltered from the angry crowd in Bailie Macallum's shop, the members of the press-gang were being attacked on the street. Several were disarmed and a few knocked down by the women of Campbelltown until Macallum ordered the 'Debtors' Room', the most secure place in the town, to be opened up by the burgh officer in readiness to give them shelter. The bailie himself delivered two or three into the protective custody of the burgh officer while more were escorted in by some of the other merchants in the town and six or seven came of their own accord. Altogether twenty-two sailors spent the night in the town's jail while a hostile crowd remained outside to ensure that they did not return to their ship. ²⁷ Whether they intended it that way or not - and they probably did - the people of Campbelltown had taken twenty-two hostages for the safe return of four of their fellow townsmen. The magistrates were in what was for them the unhappy position of having to execute any deal which was to be made between the town and the Captain of one of His Majesty's Ships. About ten in the evening, therefore, they brought in a higher authority in the shape of Duncan Stewart, Chamberlain of Kintyre for the house of Argyll.

25. Ibid., f.199, Decl. of Edward Stewart, 11 May 1795.

26. Ibid., f.200, Decl. of Hector MacNeill, 11 May 1795.

27. Ibid., f.186 and f.188v., Decl of Hugh Macallum;
ff. 202-203, Decl. of Thomas Fraser, Burgh Officer,
15 May 1795.

After talking to the magistrates and Lt. Hunt, he tried to quieten the crowd and promised he would go on board the Hazard in the morning to get justice for all parties. Hunt was then taken from Macallum's shop to Stewart's own house accompanied by a customs surveyor and an abusive crowd of women but at two in the morning Hunt and Stapleton, the sailing master, were quietly taken back to their ship on board a customs cutter. Later in the morning when Stewart himself went aboard the Hazard he found, he said, that three of the pressed men had been found unfit for service and had already been sent on shore while the other one 'had entered for the ship'.²⁸ On the other hand, the ship's captain, in his original complaint, claimed that all four men were set on the shore in order to gain the release of his men from the debtors room, 'which however should not have been done were they fit for the Service'.²⁹ As well as contradicting the Chamberlain of Kintyre's account of the affair, Captain Oliver contradicted himself to some extent, implying both that the men were unfit for service and that they were released only in exchange for the ratings imprisoned in the town.

Thus the outcome of the affair was that twenty-two seamen from the Hazard were released in exchange for either three or four of the pressed men. No charges were brought against any of those involved in the disturbances since the authorities in Edinburgh took the view that the matter should be dropped. On the evidence available to him, the Lord Advocate thought that no jury would convict any of those involved, no

28. Ibid., f.211v., Decl. of Duncan Stewart, Chamberlain of Kintyre, 8 June 1795.

29. Ibid., f.39, Captain Oliver to P. Stephen, 5 February 1795.

matter what evidence the officers or crew were to give of events.³⁰ It would seem that it was felt that popular opposition towards press-gangs was not restricted either to Campbelltown or to the 'lower orders'. Furthermore, there was evidence that Hunt, who certainly behaved as if he was quite drunk and he probably was, exceeded his orders. Captain Oliver told Chamberlain Stewart on board ship that his orders to Hunt were simply 'to take a few men and come off quietly'.³¹ Also, despite their statements to the contrary and their descriptions of the very proper steps they took during the disturbance, it seems clear that the bailies and their friends were in considerable sympathy with the popular opposition being exhibited by the people of the town towards the press-gang. For the Navy, Captain Oliver felt that Campbelltown and other Clyde ports provided few seamen for naval service and contrasted this with the considerable bounty they received for fishing. If no other course was to be taken by the legal authorities, he obviously felt that the Impress Service should be more active in the area and it may be that the Royal Navy took its quiet revenge on the Clyde coast ports. However, the whole episode was, from Campbelltown's point of view, a very successful assertion of communal opposition to this vicious form of naval recruitment.

The third of the disturbances associated with military affairs was a very small one and took place far from any centre of population, in the mountains of western Inverness-shire at the farm of Skennavallie, Kilmally. The papers in the criminal case which followed the incident

30. Ibid., ff.182-4, Robert Dundas to Duke of Portland, Home Secretary, 22 June 1795.

31. Ibid., f.211v., Decl. of Duncan Stewart, 8 June 1795.

are very sketchy, to say the least, because the prosecution was in fact dropped by the Crown.³² What we are left with is a tantalising glimpse of a popular disturbance in a remote Highland community aimed at releasing a soldier who had deserted and who was being escorted back to his regiment, probably to face a severe punishment. The incident took place on 20 June 1795 when Corporal Archibald Gillies and another soldier of the Glengarry Fencibles were escorting Duncan Cameron, a deserter from the same regiment, from Knoydart to Fort William. As they passed through the farm of Skennavallie it appears that a small crowd of men and women, probably joint tenants of the farm, attacked the escort with sticks and stones. Colonel McDonnell of Glengarry and some other gentlemen, whose presence is not explained but who may have been officers of the Fencible Regiment, assured the people that 'no injustice should be done to ... Duncan Cameron'. This assertion certainly implies that the crowd believed Cameron would be harshly treated when he got back to his regiment, a belief which was probably justified. At any rate, McDonnell's remonstrances to the contrary did not satisfy those involved who released Cameron from his guards and at the same time threatened McDonnell and his friends.³³ Beyond the fact that Dugald Bain MacPhee, John MacMillan, Alexander MacPhee and John MacMillan Innes, all from Skennavallie, were accused of rioting, deforcement of an officer and rescuing a deserter and that the case was deserted by the Advocate-Depute, we know no more about the incident. We do not, for instance, know whether Cameron was known to the accused or whether he escaped completely. The incident does, however, further confirm that military service contrary to

32. JC11/41, High Court Minute Book, xlix, 12 September 1795.

33. JC26/282, Ind. against Dugald Bain MacPhee, et al., 12 September 1795.

'tradition', was not necessarily the popular pursuit of the Highlander.

Finlay McLeod got drunk one day in the summer of 1807 and found himself recruited into the 42nd Regiment, the Black Watch. He deserted, or in his and many others' eyes simply went home, when he realised what had happened. ³⁴ The army had different ideas for Finlay McLeod, pursued him and arrested him as a deserter. In the charge of a sergeant and a small party of the 42nd, he arrived in Crieff on Saturday 27 June 1807 and was put in a lock-up. That evening a crowd of sympathetic local people began attempts to get him out of confinement. These attempts went on over the weekend but did not get very far until the Monday evening, when a number of women were seen trying different keys on the prison door. ³⁵ Others talked about getting a set of keys or of using a mason's pinch (crow-bar). While this was going on the prisoner was calling to the crowd, telling them that he had been 'trepanned and ill-used' by the recruiting party. It was alleged by one witness that one of the crowd, who seems to have known the prisoner, went up and down among the crowd assuring them that he was a decent, family man. ³⁶ When the town jailer and another man, William Jack, went into the prison the crowd pushed forward but failed to get inside. ³⁷ Eventually, with the crowd attacking the troops and the Baron Bailie (town magistrate) with stones, more troops were called into Crieff. With their muskets loaded they marched the prisoner out of the town to meet, at length, the painful punishment the army reserved for its deserters, no matter how drunk they were when they were 'recruited' or by what deception

34. JC26/331, H.M. Advocate v. Duncan MacFarlane, et al., Decl. of Duncan McGregor, 3 August 1807.

35. Ibid., Decl. of Hugh Gillies, 3 August 1807.

they were persuaded to take the King's shilling. The people of Crieff who clearly sympathised with Finlay McLeod's predicament, had failed in their purpose.

Four men were accused of involvement in the disturbances over the weekend: Duncan MacFarlane, a quarrier, Duncan McGregor, a weaver and drummer in the Crieff Volunteers, Thomas Forbes and Hugh Gillies, both weavers. At the High Court in Perth on 6 October 1807, McGregor and Forbes both pleaded guilty and were sentenced to one month in the tolbooth of Perth while MacFarlane and Gillies pleaded not guilty and the crown deserted the case against them simpliciter.³⁸ Another small expression of popular opposition to military service was over, the guilty had been punished and the system had been shown to be suitably merciful.

On at least one occasion, there occurred a mutiny in which the local population took a relatively active part. The Fife, Renfrewshire and Durham militia regiments were stationed at Perth barracks in February 1813, at a time when tension within the Scottish Militia regiments was high. Many men in the regiments believed that they were entitled to a discharge after their ten years service. The government denied them this right.³⁹ In Glasgow feelings on this point were so high among the Perthshire and Aberdeenshire Militias that committees from each regiment met and prepared petitions to the Prince

38. JC11/50, North Circuit Minute Book, xlvii, H.M. Advocate v. Duncan MacFarlane, et al., 6 October 1807.

39. AD14/13/40, Precognition against John Stewart: Charles Husband, Sheriff-Substitute in Perth, to John Hay Forbes, 19 February 1813.

Regent. Their petitions went unheard but their commanding officer was informed of their activities by the Government. They continued despite this, to meet in secret in a hall in the Gallowgate and they believed, somewhat optimistically, that sixteen English regiments were of similar opinion and equally ready to act.⁴⁰ Information about the activities of the militia-men's committees was sent to Perth where James Hally was on furlough. On 18 February 1813 he was arrested and his papers revealed that he was one of those active in the Perthshire regiment's discharge campaign.⁴¹

When they heard of the arrest of Hally, some of the Renfrew regiment were determined to release him 'from the idea that he was suffering in their common cause'. They armed themselves and marched into the town of Perth from their barracks. Attracted by the action of the Renfrewshire militia, a crowd soon gathered on the High Street. The authorities felt that they had to get Hally out of the town and away to the security of Edinburgh Castle. While the Renfrew mutineers were held back by the loaded muskets of the loyal Durham militia, the prisoner was put in a chaise with an escort of two or three Durham militia-men. The crowd, however, pursued the chaise, pelting it with stones, and forced the driver to give up this first attempt. With an escort this time of forty Durham militia-men under their Captain, Robert Moses, a second, successful attempt was made to drive the chaise and the prisoner out of Perth.⁴² On this second occasion, John Stewart, a weaver from

40. H.O. Corr., RH2/4/100, f.84, Anon. to First Magistrate of Glasgow, 24 February 1813.

41. AD14/13/40, Precognition against John Stewart: Charles Husband to John Hay Forbes, 19 February 1813,

42. JC26/363, Ind. against John Stewart, 15 March 1813.

Earl's Dyke near the town, was seized by Nicholas Todd, a Durham regiment private, after he had thrown a stone at Captain Moses. ⁴³

Stewart had come into Perth because he had heard about the mutiny among the soldiers that morning and, he said, he decided to find out more about it himself. He admitted that he had been among those following the coach, but he said, a little lamely, that he had thrown stones at no one in particular and without a particular object. ⁴⁴ Whatever his role, John Stewart soon found himself whisked off to Edinburgh as well.

Although the Sheriff-Substitute believed him to be a simpleton, he felt it necessary to take decisive action. If Stewart were tried in Edinburgh immediately 'it would have a wonderful effect on the minds of the Mob-ites here'. ⁴⁵ Within the month, Stewart was tried and found guilty of mobbing and rioting at the High Court in Edinburgh. ⁴⁶ His punishment is unrecorded. The action of the Perth crowd demonstrated yet again the sympathy felt by the civilian population for those apparently harshly treated by the military authorities and particularly for those held as soldiers against their will.

Clashes between recruiting parties and local crowds were probably quite frequent, but only those few which merited judicial action, like those above, have come down to us in the records. In 1815 we get a glimpse of one such petty clash 'betwixt a Recruiting Party and some of the Inhabitants' of Castle Douglas. The Procurator-Fiscal of

43. AD14/13/40, Precognition against John Stewart: Decl. of Nicholas Todd, 19 February 1813.

44. JC26/363, H.M. Advocate v. John Stewart, Decl. of John Stewart, 19 February 1813.

45. AD14/13/40, Precognition against John Stewart: Charles Husband to John Hay Forbes, 19 February 1813.

46. High Court Index No. 2, 25 March 1813.

Kirkcudbright, Robert Gordon, wrote to Edinburgh that the disturbance

threatened at one time to have been attended by serious consequences, but fortunately the Colonel was upon the Spot and I also happened to come upon them at the time and stopt the mob with the assistance of a Party of Constables from further following the Party than the Carlingwarkhill.

He concluded that the burgh's superior and the recruiting party's Colonel did not wish the matter taken any further, since both sides were at fault. ⁴⁷ Another small incident occurred in Montrose in March 1815 when four deserters from HMS Stork were arrested and put in the tolbooth there. When the cutter Tickler arrived from Leith and Lieutenant Hopkinson, the commander, took the deserters out of prison, he and the military escort were set upon by a crowd of Montrose people. They pelted the party with stones and brickbats, seized hold of the soldiers and successfully released the deserters. ⁴⁸ The only man charged was David Todd, a local seaman, and he was outlawed for non-appearance. ⁴⁹

Anti-military feelings could sometimes be expressed in a bizarre way. At the September 1805 Circuit Court in Ayr, two apprentice ship's carpenters from Newton near Ayr were charged with using

47. AD14/15/112, Precognition into riot at Castle Douglas; Robert Gordon to Hugh Warrender, 2 September 1815.

48. JC26/370, Ind. against David Todd, 30 September 1815.

49. JC11/56, North Circuit Minute Book, liii, 30 September 1815.

various opprobrious and insulting expressions to several members of the 1st Regiment of Ayrshire Volunteers indicative of their contempt of, and tending to provoke, the said Volunteers to acts of violence, and a breach of the peace. 50

On 31 May 1805, the yard where Alexander Earl and John Leyburn worked, launched a ship and there was 'an entertainment' paid for by their employer, as was traditional. The following day, a Saturday, neither were at work but in the evening they were drinking in an Ayr public house. Earl, according to the apprentices, won two gills of rum in a bet by walking from the public house to the Old Bridge of Ayr and back with an Artillery man's cap on. Shortly afterwards, he marched in front of the public house for a few minutes with a broom over his shoulder. 51 The official version of the story was that Earl, Leyburn and others had marched up and down the streets in Ayr, Earl

having an old Volunteer's cap or hat with the back part in front upon his head and a Besom or Brush upon his shoulder in the feign of a musket. This they did to ridicule and show contempt for the Ayrshire Volunteer Corps in particular and Volunteers in General. 52

When the case came to trial, the jury in fact believed the ships carpenters rather than the Volunteers, finding them guilty only of riotous assault on one of the Volunteers and not of intending to ridicule the Volunteer regiment. 53 While Earl and Leyburn's explanation seems a little weak, therefore, an Ayr jury evidently

50. JC26/325, Ind. against Earl and Leyburn, 20 September 1805.

51. Ibid., Decl. of Leyburn, 7 August 1805.

52. Ibid., Ind. against Earl and Leyburn, 20 September 1805

53. JC12/25, South Circuit Minute Book, xxv, 20 September 1805.

believed their account. One or two doubts can, however, be cast on their account of their innocence. Why should a regular soldier offer to wager that a young civilian would not walk through his own town with a soldier's hat on and why should the wager be worth two gills of rum? A possible answer is that it was only half the story and that, in order to win the bet, the marching up and down with the hat should be done in front of and to the ridicule of the local Volunteer regiment. The regular soldier, an artillery man, probably held them in no high regard and the two apprentices, as well as many others who watched, would not have taken part if they also had not held the Volunteers in contempt. Earl for his part had some personal grievance against John McGachan, one of the volunteer privates, and, following the marching incident he first challenged and then assaulted him in the street.⁵⁴ A possible explanation for the verdict itself may be found in the delay between the alleged offences, on 1 June 1805, and the arrest of Earl and Leyburn on 7 August. They both absconded and were arrested only after a reward was offered. Generally the authorities only offered rewards when they were sure of their ground or when their authority was challenged. In this case they at least felt the latter and probably the former. A further factor in this affair is that on 1 June 1805, the Ayrshire Volunteers were almost certainly parading in celebration of the King's official birthday. This alone would give some Ayr people enough excuse for popular ridicule of the Volunteers and of authority. All in all, one is inclined to the view that on 1 June 1805 there occurred in Ayr a popular display of ridicule and contempt for military activity in general and for the Volunteer movement in particular.

54. JC26/325, Ind. against Earl and Leyburn, 20 September 1805 and Decls. of both, 7 August 1805.

We have already seen that compulsory military service was most unpopular with the people of Scotland and that its introduction led to widespread rioting. The incidents above indicate that opposition extended in many circumstances to military recruitment. The government's high-handed double-dealing with Highland regiments resulted in the resistance of the Lewis people to recruitment into another Fencible regiment. The popular success in resisting the press-gang at Campbelltown was probably an isolated one in a continual war of attrition. The widespread sympathy for those imprisoned by the military authorities, particularly for desertion, was illustrated by the incidents at Kilmally, Crieff, and Perth. In these instances the crowd was very ready to accept that the prisoner was being oppressed by the army. As illustrated at Ayr, the Volunteers were not immune from, at best, ridicule. It seems clear that military service was not necessarily the popular pursuit of Scotsmen. In many circumstances it was not regarded as an heroic role to be a soldier, indeed quite the opposite. The army was seen as being capable of any deception in its pursuit of recruits. Even the smallest communities would and did indulge in direct action to rescue those caught up, evidently reluctantly, in the military system or to resist the imposition of that system on some of their members. The picture painted by Prebble of less than enthusiastic Highlanders enlisting because of social and economic necessity rather than martial ardour is confirmed by popular behaviour in many places.

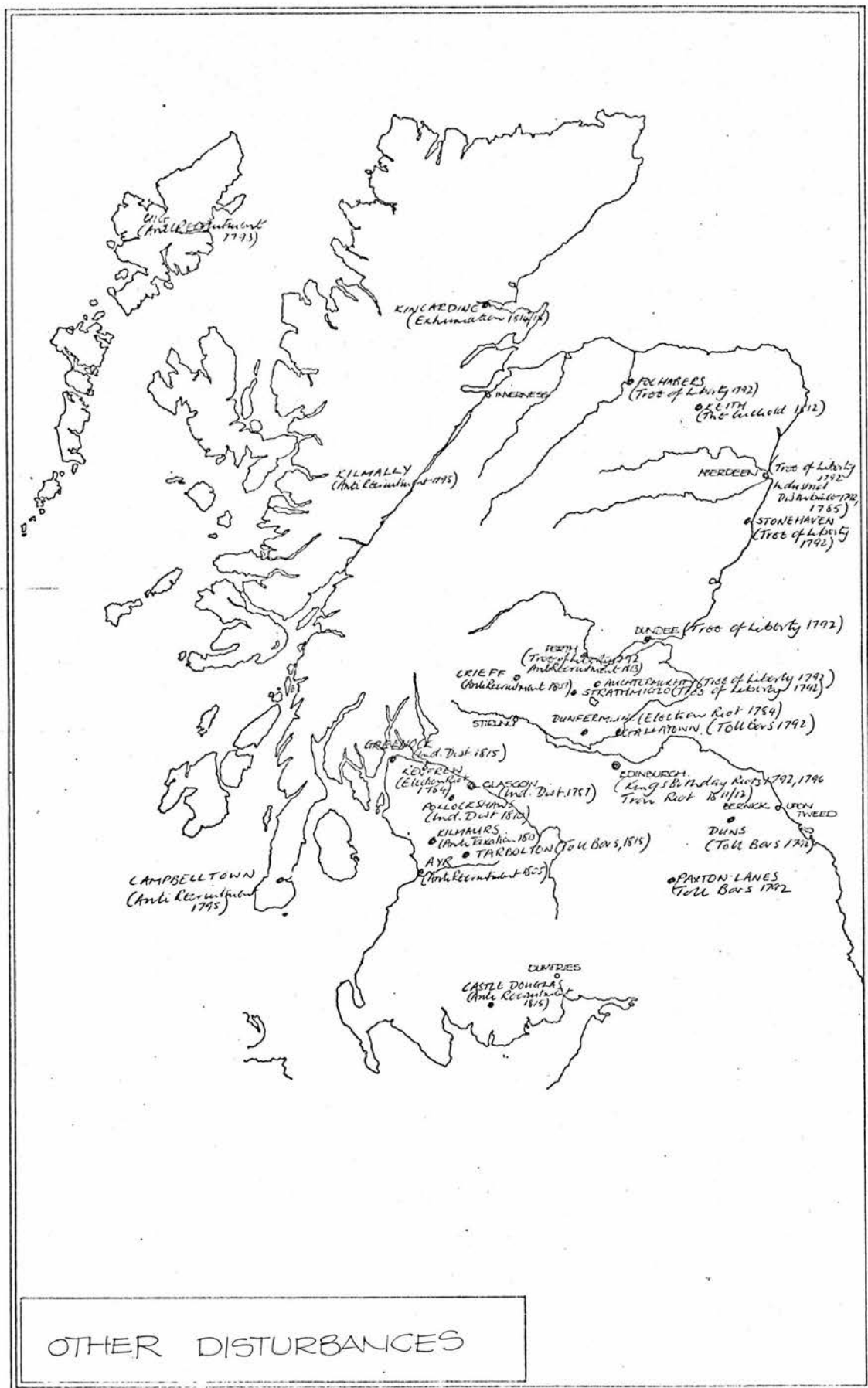
CHAPTER NINE

SOME OTHER DISTURBANCES

1. Toll-Bar Riots
2. 'The Cuckold'
3. Exhumation Riot
4. Kilmaurs Anti-Taxation Riot
5. The Tron Riot

We have spent some time looking at disturbances which formed part of several series of similar disturbances - meal mobs, militia riots, patronage disturbances, etc. Some disturbances cannot, however, be so conveniently compartmentalised, although study of them is nonetheless interesting and revealing. They show that popular direct action was not confined geographically or topically: incidents could occur as easily in Kilmally in the West Highlands as in Duns in the Borders and the reasons for such incidents could be as serious as the erection of toll-bars across previously 'free' roads or as trivial as the marital shortcomings of a small-town joiner. While most riots which we have discussed had aims, if not always methods, with which we could sympathise or causes which we could understand and appreciate, below we shall look at two disturbances which do not fall into these categories. One was an overtly criminal exercise and the other had causes which remain, to say the least, mysterious.

In this chapter, therefore, we shall look at several disturbances under five headings: anti-toll-bar riots in Berwickshire and Fife in the summer and winter of 1792; a riot in Keith, Banffshire, centering on a dispute caused by the marital problems of the town's joiner; the exhumation by an angry crowd of a body from the churchyard at Kincardine, Ross-shire in 1815; an incident of popular resistance to tax collectors at Kilmaurs, Ayrshire; and finally the activities of the 'Thief Gang' in Edinburgh on Hogmanay and Ne'er Day morning.



1. TOLL-BAR RIOTS

During the 1791-1792 Parliamentary session some of the gentry of Berwickshire obtained a local Act of Parliament 'for repairing and amending sundry roads within the County of Berwick by means of Turnpikes'.¹ In July 1792, toll-bars set up in pursuance of the Act at Duns and at Paxton-lanes were destroyed.² Some months later, in December, a toll-bar at Gallatown, near Kirkcaldy, Fife and set up under similar authority, was also destroyed.³ On several occasions in eighteenth century England turnpikes had been the targets of popular violence⁴ while the widespread Rebecca Riots in 1839 and 1842 were aimed, at least ostensibly, at the toll-gates of West Wales.⁵ It is not really surprising therefore that the Berwickshire Turnpike Act and its Fife equivalent should have precipitated attacks on toll-bars in these counties. From the point of view of the landowners and substantial tenant farmers of these areas the establishment of a turnpike trust to maintain the roads and to finance the operation through levying tolls on those who used the roads meant easier access to markets with concomitant commercial advantages to those involved in large scale agricultural production and to their landlords. Small tenants and others, like towns-people with small holdings near at hand, who were involved in small-scale and very often marginal agriculture had a different perspective: to them the toll-bars were seen as threats to their livelihoods and as unjustified impositions on their freedom of movement.

1. 'An Act ... for repairing, widening and amending several roads, and for regulating the Statute Labour, in the ... County of Berwick' House of Commons Journal, xlvii, 11 June 1792.
2. JC26/266, Ind. against Robert Vert, et al., 21 September 1792, and against James Ford, et al., 22 September 1792.
3. H.O. Corr., RH2/4/66, f.262, James Oswald to Claud Boswell, Sheriff-Depute of Fife, 9 December 1792.
4. George Rudé, The Crowd in History, (New York 1964) p.35
5. David Williams, The Rebecca Riots, (Cardiff 1955) pp. vii, 185.

With the authority of the Turnpike Act, its sponsors the Berwickshire Trustees agreed to set up toll-bars in at least four places: at Bridgend at the east end of Duns, another at the western boundary of the same town, a third at Paxton-lanes and a fourth at Newwater, all in Berwickshire. It was agreed ~~then~~ that tolls should be levied at all four locations on and after 4 July that year and toll-keepers were accordingly appointed to do so.⁶ On 3 July, therefore, the toll-bars were set up but in Duns that Tuesday night a crowd of townspeople gathered with the evident intention of pulling them down again. Their first target was the toll-bar at the Eastergate of Duns which, according to one of the accused, was soon surrounded by 'a large crowd of women' and shortly afterwards 'there was nothing but a post left in the ground'.⁷ The women, with the tacit if not active support of men and boys, carried the toll-bars to the Cross in the town where a huge bonfire was made of them. Shortly afterwards the toll gate at the other end of the town was similarly attacked and its timbers were added to the conflagration. Two of the women later accused of rioting gave slightly different stories about the degree of female involvement. Jean Crawford, a servant girl, said that she followed a large crowd from her master's door to the east toll-gate where, 'being shoved on by the Men', she helped in the destruction of the toll-gate.⁸ Alison Porteous on the other hand, admitted being involved in pulling down the bar at the west end of the town. While she was doing so a sheriff-officer tried to arrest her and her brother tried to pull her away from both the sheriff-officer and the toll-gate but she

6. JC26/266, Ind. against Robert Vert, et al., 21 September 1792 and against James Ford, et al., 22 September 1792.

7. Ibid., H.M. Advocate v. Robert Vert, et al., Decl. of William Cockburn, 15 July 1792.

8. Ibid., Decl. of Jean Crawford, 10 July 1792.

broke free from both of them to return to pulling down the bar. When this was done she went home to put one of her sister's children to bed and then returned to the market place where she watched the bonfire.⁹ Clearly, Alison Porteous was totally involved in the disturbance and was by no means a pawn, while, on the surface, the same cannot be said of Jean Crawford.

Unrest at Duns was not confined to the one occasion. Late on the following afternoon Alison Porteous, having been clearly identified the night before, was finally arrested by one of the sheriff-officers but she was almost immediately rescued by a large crowd. When the west toll-bar had been destroyed the previous evening, the posts were all that was left. After the rescue of Alison Porteous the crowd went out and uprooted these posts, bringing them to the Cross where they were later used as the basis of a bonfire round which gathered the largest crowd ever seen in Duns. When the fire and a tar-barrel were lit what appears to have been a communal celebration of the victories of that afternoon and the previous night began. A group of journeymen shoemakers, tailors and weavers, of which William Cockburn was one, retired to a public house after deciding not to drink round the fire. Cockburn denied discussing with this group the possibility of burning an effigy of one of the promoters of the Turnpike Trust, Mr Hay of Drummelzier.¹⁰ On the other hand, another accused, William Bell an apprentice baker, said that he saw an effigy put into the fire and that

9. Ibid., Decl. of Alison Porteous, 9 July 1792.

10. Ibid., Decl. of William Cockburn, 15 July 1792.

both William Cockburn and Robert Vert were nearby when it happened.¹¹ While they were in the public house one of the servants came into the room and presented four shillings to the group saying that it was a present from a Mr Ainslie to drink his health. Another shilling soon followed, a Mr Edmonston having prevailed on Mr Ainslie to increase his pourboire. William Cockburn's opinion of this was that Ainslie, described by one of the accused as Bailie,¹² 'wouldn't have given this drinks money unless with a view to countenance what had been going on'.¹³ Clearly, not all members of the local establishment, at least within Duns, were enthusiastic about the prospect of toll-bars on the roads into and out of Duns.

Early on the Friday morning of that week Robert Vert, a weaver, and George Purves, a tailor, were both arrested and, as news of this spread, knots of people gathered on the main street. The shoemaker, William Cockburn, observed that 'it was hard on them (Vert and Purves) to suffer for what the rest of the town were also guilty of'.¹⁴ About ten in the morning the Duns alarm bell rang as if there was a fire, apparently to bring people into the town, and those on the street who seemed to be expecting it began to shout and cheer. Shortly afterwards, Cockburn and some others who had been 'walking in the country' returned to Duns armed with stout sticks and went straight to the Tolbooth where the prisoners were being held. It seems clear that

11. Ibid., Decl. of George Purves, n.d.

12. Ibid., Decl. of William Bell, 10 July 1792.

13. Ibid., Decl. of William Cockburn, 15 July 1792.

14. Ibid.

some of the younger men of the town, the 'lads' as Cockburn described them, were intending to try to rescue the prisoners in the Tolbooth, but were dissuaded from carrying out their plan by some of the older members of the community. Cockburn himself was only prevented from continuing by the intervention of his father and the young shoemaker spent the rest of the day getting very drunk. Peace seems to have been restored only on the Saturday when the Sheriff succeeded in addressing the crowd and exhorting them to go home. ¹⁵

Earlier in the same week, but after the destruction of the Duns toll-gates, on the evening of Thursday 5 July, the toll-bars at Paxton-lanes and at Newwater, near Greenlaw, were attacked with hatchets, pick-axes and poles, pulled down and broken to pieces. The toll-house at Paxton-lanes was similarly beset, partly demolished and then set on fire, the toll-keeper's furniture being burnt in the road outside. ¹⁶ The people had been 'summoned' to the attack on the toll-gates in this area by the blowing of a horn which one of the accused understood to be a signal 'to gather in the Country'. ¹⁷ Robert Whitsone, another accused, described how he came to take part in the disturbance and illustrates a certain ambivalence in people's attitudes to such incidents. A farm labourer, he was eating his supper when he was disturbed by a group of about fifteen men, some in women's clothes, who threatened him and tried to force him to accompany them to the toll-gate. He refused and they left. Shortly afterwards, however, in spite of this

15. Ibid.

16. JC26/266, Ind. against James Ford, et al., 22 September 1792.

17. Ibid., H.M. Advocate v. James Ford, et al., Decl. of James Ford, 12 July 1792.

he decided to go to Paxton-lanes of his own accord. Before he got there he met four other men whom he found to be equally reluctant and all five tried to slip away but found that they could not do so without being noticed by the rest of the crowd. By the time Whitsone eventually arrived at Paxton-lanes the toll-gate was already being broken up and he did not stay very long, leaving before the gate or the toll-house were set on fire and only seeing the flames when he looked back from Hilton Hill on his way home about midnight.¹⁸ Although reluctant to take an active part in the destruction of the toll-gate Whitsone was equally reluctant not to be at the scene with his neighbours. The social risks outweighed the criminal ones and in the event the risk was to some extent justified when the case against him was found not proven.¹⁹

James Ford, another farm labourer and co-accused of Whitsone, described the scene at Paxton-lanes in more detail, emphasising that the crowd were not united in their determination to fire the toll-keeper's house. He said he was one of those who tried unsuccessfully to save the house from being burnt and who in fact saved some furniture from it. Ford said he was present near the toll-house only to try and save it because he knew Mary Aitchison who had been appointed to collect the tolls.²⁰

As it happened, the three accused of mobbing and rioting and wilful fire-raising at Paxton-lanes came off more lightly than those accused only of riot at Duns. The trial of the Duns rioters was held at Jedburgh on 21 September, 1792. George Purves, the tailor, was dismissed from the bar because of a legal technicality while John Bell who failed

18. Ibid., Decl. of Robert Whitsone, 18 July 1792.

19. JC12/21, South Circuit Minute Book, xxi, 22 September 1792.

20. JC26/266, H.M. Advocate v. James Ford, et al., Decl. of James Ford, 12 July 1792.

to appear after escaping from prison was outlawed. The other five pannels were found guilty of mobbing and rioting at Duns. The two women, Jean Crawford and Alison Porteous, were sentenced to four months in the Tolbooth of Jedburgh and bound over to keep the peace for the rest of their lives under caution of a thousand merks each. The three men, Robert Vert, William Bell and William Cochran were also sentenced to four months but were then to be banished from Scotland for seven years after which they were bound over in the same way as the women.²¹ On the following day in the same court four people were accused of the more serious crime of riot and wilful fire-raising which carried the possibility of a death sentence but which the prosecution restricted to an arbitrary, i.e. a non-capital, punishment. This was a fairly normal procedure in such cases. One of the accused, George Robertson, a tailor's son, failed to appear and was outlawed while James Ford was found guilty only of taking part in the destruction of the toll-bar at Paxton-lanes and not of setting fire to the toll-house. Ford was sentenced to four months in the Tolbooth followed by banishment from Scotland for life. His two co-accused, Robert Whitsone and James Anderson, another farm worker, were released after a verdict of not proven.²²

It was not until nearly three months after these trials that the next outbreak of anti-turnpike violence took place. Early in December Robert Dundas wrote to his uncle the Home Secretary that from information he had received he had 'too much reason to suspect that a general Demolition of the Toll Bars will take place'.²³ This assessment,

21. JC12/21; South Circuit Minute Book, xxi, 21 September 1792.

22. Ibid., 22 September, 1792.

23. H.O. Corr., RH2/4/66, f.256, Robert Dundas to Henry Dundas, 9 December 1792.

which subsequent events did not justify, was based on the destruction of the toll-bar at Gallatown, near Kirkcaldy in Fife. It appears that the people of the village had frequently 'pulled down parts of the Tollhouse' and that therefore the Turnpike Trustees had decided to put a guard of constables on it. This prevented attacks for two nights but about 11 pm. on Friday, 7 December, a crowd collected in Gallatown, began pelting the constables and then broke the windows of the toll house. On the Saturday night, when the constables arrived to take up their positions again a crowd attacked them and prevented them from getting to the protection of the toll-house. When the constables were thus forced to retreat, 'no person would give them shelter in any house in the village'. Once they were safely out of the way, the toll-house was completely destroyed by the crowd.²⁴

These disturbances at Gallatown occurred at the same time as the Sheriff-Depute of Fife was very concerned about disturbances in Strathmiglo and Auchtermuchty in which the Tree of Liberty, as we have seen, featured prominently. There is, however, no specific reason to link the two sets of disturbances although on the face of it one might assume such a link. The slogans of the French Revolution or of a democratic disturbance are conspicuous for their absence even in the description of the Sheriff-Depute's informant who might be expected to recount them in some detail. At Gallatown, when the toll-house had been destroyed, the crowd seem to have dispersed without causing any further damage and despite local fears to the contrary.²⁵ When it was later

24. Ibid., ff. 262-263v., James Oswald to Claud Boswell, Sheriff-Depute of Fife, 9 December 1792.

25. Ibid., f.262v.

decided to re-erect the toll-bar at Gallatown, however, steps were taken by the Sheriff-Depute to guard it with 'six stout hands from Williamson', a mill-owner in Kirkcaldy. These men, who as town-dwellers could perhaps be relied upon not to sympathise with the generally rural opposition to the toll-bars, were to act as constables while sixty or seventy of the 'head manufacturers of Kirkcaldie and Pathhead' promised to turn out in defence of the toll-bar if required. No trouble was anticipated but the authorities in Fife were determined that it should be re-opened (or re-closed?) and if trouble did occur they wanted fifty regular soldiers to be made available 'as the thing must go on'.²⁶ In the event there was no further trouble and the toll-bar went into service bringing to an end this short, sharp popular resistance to them.

It was over twenty years before a similar, and apparently isolated, incident took place. Early in the summer of 1815 the local Road Trustees decided to erect a toll-bar on the road between Wallston and Bogend near Tarbolton in Ayrshire. On Tuesday 20 June, 1815, a large crowd of small farmers, farm workers and colliers pulled it down.²⁷ A few days later building material for re-erecting it disappeared and was found broken up some distance away by the side of the road.²⁸ Under cover of a game of quoits some of the local people had gathered near the toll-bar about 7pm on the Tuesday evening. By 9 pm the toll-bar had been destroyed and burnt; no one could explain what had happened since everyone had been engrossed in the quoits!²⁹ It

26. H.O. Corr., RH2/4/68, ff.66-66v., Claud Boswell to Robert Dundas, 3 January 1793.

27. JC26/371, Ind. against James Gibson, et al., 20 September 1815.

28. Ibid., Decl. of Andrew Hunter, 26 July 1815.

29. Ibid., all nine declarations, emitted on 26 July, 14 & 19 August, tell the same story.

emerges, however, that after the remains of the toll-bar had been set ablaze a collection was made to buy whisky to celebrate.³⁰ None of those whose judicial declarations survive gave any reason for the demolition of the toll-bar. Given the predominant involvement of farmers and their workers in the disturbance it is relatively safe to assume that the motives were the same as in the earlier incidents. The erection of a toll-bar - while it raised revenue for the better upkeep of the roads - interfered with the daily passage of goods, produce and livestock in the locality. In this instance it may also have hindered the coal trade, adding to the cost of producing coal and adversely affecting the wages of the colliers.³¹ In general, the destruction of toll-bars was a direct response of local communities to the encroachments of the demands of large-scale, surplus farming on the interests of the much smaller scale, subsistence agriculture of the ordinary people.

2. THE CUCKOLD

Popular disturbances are usually caused by important and significant factors like a shortage of food, general military conscription or a new political ideology; they are rarely caused by the marital problems of a small-town joiner. One would be tempted to say that a riot was never caused by such a localised and insignificant problem if one was not aware of at least one such case, which occurred in the town of Keith, Banffshire, in March 1812.

30. Ibid., Declaration of Hugh Andrew, 26 July 1815.

31. Nineteen men were originally indicted for mobbing and rioting, the diet against twelve of those was deserted and the case against the remainder was lost on a technical point. JC26/29, South Circuit Minute Book, xxix, 20 September 1815.

Alexander Craib and his wife Elspeth Pyker had lived in Keith for eight and nineteen years respectively, ³² they had been married for ten years and had three children. ³³ Craib was a square-wright and, up till Whitsunday 1811, had as one of his apprentices Alexander Lawrence ³⁴ who, from all accounts, had formed some sort of attachment to his master's wife who in turn may possibly have encouraged his advances. ³⁵ At any rate, Craib came home one night in February 1812, to find Lawrence, 'the flap of his breeches open', struggling with his wife: Lawrence ran off and Craib struck his wife several times. ³⁶ On several occasions thereafter, Elspeth Pyker claimed that someone tried to get into the house at night when her husband was away from home. ³⁷ Craib therefore set a trap. He let it be known he was going to be out of Keith on the night of 4 March but then slipped back into his house, unseen. He, his wife, two of his journey-men and his apprentice all claim that on that night Lawrence broke into the house and attacked Elspeth Pyker, but in the confusion of his discovery, escaped. ³⁸

As a result of Craib's accusation of assault against his wife, Lawrence was arrested and imprisoned in Banff until 12 March when James Roy a solicitor in Keith arranged bail for him and he returned to Keith the following day. Lawrence's return was greeted with great celebrations

32. AD14/12/23, Precognition against Alexander Lawrence, Certificate of Good Character, 8 April 1812.

33. *Ibid.*, p.1, Decl. of Alexander Craib.

34. JC26/359, H.M. Advocate v. Alexander Lawrence, Decl. of A. Lawrence 18 April 1812.

35. AD14/12/29, Precognition into riot in Keith, *passim*.

36. AD14/12/23, Precognition against Alexander Lawrence, pp.1-2, Decl. of Alexander Craib.

37. *Ibid.*, pp.16-17, Decl. of Elspeth Pyker.

38. *Ibid.*, *passim*: Decls. of Alexander Craib, Robert Humphrey, James Achnach, William Gray and Elspeth Pyker.

including the lighting of a bonfire in the town square where about half the inhabitants assembled.³⁹ There was a great deal of hostile comment made at the bonfire about the Craibs - 'Damne the old whore, Elspeth Pyker', 'Elspeth Pyker the Bitch', 'Lawrence for ever and Craib to the Devil'⁴⁰ - and effigies of Elspeth Pyker and of Robert Humphrey, one of those who had given evidence against Lawrence after he had seized him under the Sheriff's warrant,⁴¹ were paraded by some of the crowd and then burned.⁴² Some townspeople who were thought to side with the Craibs were attacked⁴³ while a woman who tried to douse the bonfire with water was pelted with clods of earth.⁴⁴ Those on the Craib side of the story said that the crowd made some attempts to fire the thatch of the Craib's house and their servants were driven out of the house by the stones which were thrown into the house.⁴⁵ This account was confirmed by one of the sheriff's messengers who was sent from Banff to apprehend those accused by Craib of being active in the riot and who said that the scattered remains of the fire were outside Craib's door.⁴⁶

When the precognition on this case was sent to the Solicitor-General for his opinion as to further action, he replied that the case

39. AD14/12/29, Precognition into riot in Keith, p.22, Decl. of John Hepburn.
40. Ibid., p.11, Decl. of Robert Humphrey; p.15, Decl. of James Achnach; p.19, Decl. of William Davidson.
41. Ibid., Decl. of John Mann, 16 March 1812. (The pages are unnumbered at this and other points).
42. Ibid., p.6, Decl. of Elspeth Pyker; p.11, Decl. of Robert Humphrey.
43. Ibid., p.20, Decl. of William Davidson.
44. Ibid., p.23, Decl. of John Hepburn.
45. Ibid., p.2, Decl. of Alexander Craib; p.6 Decl. of Elspeth Pyker; p.9, Decl. of William Gray.
46. Ibid., p.31, Decl. of John McDonald.

should be remitted to the Sheriff.⁴⁷ In other words he did not think the disturbance of sufficient seriousness to warrant a trial in the High Court at Aberdeen but that it should be dealt with locally by the Sheriff Court as something less serious than 'mobbing and rioting'. Since Sheriff Court records for this period are few and far between and no other reference has yet been found to the case, we do not know what the judicial outcome of the Keith disturbance was. Alexander Lawrence was, however, tried at the Spring Circuit of the High Court in Aberdeen charged with hamesucken (i.e. assault in a victim's own home) housebreaking and assault, all of which amounted to a very serious charge.⁴⁸ Lawrence denied the libel, or charge, and his counsel added in defence that the charge arose out of the 'hatred and ill-will between Alexander Craib and his wife occasioned from improper behaviour of their own' and that the prosecution was 'a divided plot and conspiracy'.⁴⁹ The jury agreed and found Lawrence not guilty unanimously.⁵⁰

Although it is neither altogether relevant nor certainly very important to the rest of this study, the Keith riot is an illustration of how a personal feud can spill over into a public disturbance. The personal relationship between Alexander Craib and his wife was clearly under some strain, due - if we can take the insults flung at her at face value - to her illicit relationship at least with Alexander Lawrence and, reading between the lines, possibly with Robert Humphrey, another of her

47. *Ibid.*, 'Opinion', n.d.

48. JC11/53, North Circuit Minute Book, 1, H.M. Advocate v. A. Lawrence, 18 April 1812.

49. JC26/359, H.M. Advocate v. Lawrence, Defences of Alexander Lawrence.

50. JC11/53, North Circuit Minute Book, 1, 18 April 1812, H.M. Advocate v. Lawrence.

husbands workmen. Combined with the apparent general unpopularity of Craib, his accusations against and the consequent imprisonment of Lawrence aroused popular opinion in the small town to the point where many were prepared to take part in a fairly restricted form of direct action. There is, clearly, much that went on before and during this disturbance, by its very nature, of which we are and will remain completely ignorant but this limited eruption of popular violence enables us to catch a glimpse of this very localised activity. It is possibly the tip of an iceberg of small scale, almost parochial examples of popular direct action caused by similar personal feuds or communal animosities. It is particularly significant, in relation to the fact that there are no other similar examples earlier in the period, that this occurred at the time when the keeping of a systematic archive of the papers of the Lord Advocate's Department was just beginning. Earlier records of such disturbances in which the cases did not reach the High Court were by and large not kept so that earlier similar incidents are not recorded.

3. EXHUMATION RIOT

One of the strangest and, at the moment, inexplicable instances of popular direct action in our period occurred in Ross-shire in February 1814 and again in June 1815, when a crowd first prevented a burial in the churchyard at Kincardine and, when the body had been secretly interred there over a year later, ~~it was~~ forcibly exhumed.¹

Captain Robert Gordon, tacksman of Invercarron, Ross-shire, disappeared in November and December 1813 and on 6 February 1814 his body was washed up on the shore at Spinningdale. On 9 February a large

crowd assembled and remained together for several days in order to prevent Gordon's burial in the Kincardine churchyard. During this time they forced Gordon's widow and his friends to abandon their plans to have him buried there and instead he was buried in the corner of a field near Invercarron House. Even when this had been done the crowd did not disperse for two days and nights so that they could prevent any attempts to remove the body to the churchyard. They also went to the length of compelling his widow and some of his friends and workmen to appear before two local J.P.'s to take an oath not to be accessory to removing the body to the churchyard.⁵¹ Only when this undertaking had been made did the people go back to their homes.

The matter rested there, and Captain Gordon's body remained where it lay, for nearly eighteen months, until June 1815 when the Kirk Officer at Kincardine was asked by two messengers from George and Joseph MacIntosh to examine their mother's grave. The MacIntoshes, who lived in Sutherland, and whose mother had only recently been buried, had heard a rumour that Captain Gordon's coffin had been placed in their mother's grave and they therefore wished the truth of this rumour checked. An examination of the plot in the chapel of Ach in the churchyard revealed only three inches of soil above an unidentified coffin. This was reported to the messengers who left without disturbing things in the churchyard any further. On the following day, however, a large number of people assembled 'from the heights of the parish'.⁵² About mid-day the next day, Thursday 22 June, this crowd, which included the church

51. JC26/370, Ind. against Colin Bain, et al., 18 September 1815.

52. Ibid., Decl. of Andrew MacRae, 8 August 1815.

officer and at least one of the parish constables, arrived at Kincardine church, broke into the chapel where Mrs MacIntosh's body was buried and removed the other coffin from her grave. Captain Gordon's coffin - as, of course, the unidentified coffin turned out to be - was then dragged away using ropes so that those doing so were as far as possible from the overwhelming stench of the remains, now in an advanced state of putrefaction. In this way the coffin was taken down to the shore and out beyond the high water mark half way to low water. There they opened up the coffin to satisfy themselves that it was indeed Gordon's body, dug a hole, tumbled the body in and then threw in the broken pieces of the coffin after it. After the hole had been filled in and smoothed over, the crowd returned to the parish constables house where three pints of whisky were supplied by George MacIntosh whose mother's grave had been intruded upon and violated by the Gordon family. ⁵³

Three months later, on 18 September 1815, the Kirk Officer, the parish constable, a shoemaker and a small tenant were all tried at Inverness for mobbing and rioting, preventing an interment and violating a sepulchre. During the trial circumstances were disclosed into which the court recommended the Lord Advocate to make further inquiry but which were not written down for the record. Two of the accused were found Not Guilty on all charges while the other two were found Not Guilty on two charges with the third being Not Proven. ⁵⁴ And that, as far as we can judge, was that. No reason was ever given

53. Ibid., Ind. against Bain, et al., 18 September, and Decl. of Colin Bain, Donald Macgregor and Andrew MacRae, 8 August 1815.

54. JC11/56, North Circuit Minute Book, liii, H.M. Advocate v. Bain et al., 18 September 1815.

either by the authorities or by the accused for the macabre events at Kincardine. That there was some very strong popular objection to Captain Gordon's body being buried in the churchyard is indisputable; the reasons for that objection are not even hinted at. Conjecture would lead us to conclude that Captain Gordon either committed suicide or was believed by the people of the area to have done so. There is, furthermore, a Gaelic tradition that the sea would reclaim its own victims. This would tend to confirm the theory that Gordon committed suicide, possibly by throwing himself off a cliff into the sea, and explain why the crowd removed the body to a point below high-water mark. 55

4. KILMAURS ANTI-TAXATION RIOT

Opposition to taxation may be thought to be a twentieth-century phenomenon. On Saturday, 24 July 1813, however, a large section of the population of the Ayrshire village of Kilmaurs violently resisted attempts by several tax collectors and a platoon of the 27th Foot to collect arrears of Government taxes and road-tax. George Vallance, a messenger-at-arms in Kilmarnock, along with his two sons and two other Kilmarnock men were employed by William Young, the Government's sub-collector of taxes for the district of Cunningham, and James Millar, the collector of road-tax for the parish of Kilmaurs, to go into Kilmaurs to collect the arrears. Their instructions included poinding and distraining the effects of defaulters, if necessary. In other words, they had the power to seize enough of the moveable property of defaulters to make up the value of the arrears.

55. I am indebted to Mr Donald Meek of the Celtic Department, University of Glasgow, for confirmation of my theory of suicide and for the information about the tradition of the sea reclaiming its victims.

It appears that the people of Kilmaurs were not at all enthusiastic about paying these levies. A crowd led by two shoemakers, Hugh Marshall and James Dickie, attacked the tax collecting party with stones, sticks and even fists, forcing them to take refuge in the village inn. Dickie, who was also town bell-man, had previously rung his bell and 'huzzaed' three times, calling to the crowd: 'Stand fast and ... defy ... them all. Kilmaurs folk have done more than this yet'. Eventually the tax collectors and their military escort decided to leave the village to get more substantial assistance. To do so they had to run the gauntlet of the still-hostile crowd, many of whom continued to use stones, brick-bats and sticks on the retreating party.⁵⁶ The reinforcements were at least strong enough to arrest the two shoemakers who were found guilty of mobbing and rioting at the South Circuit Court in Ayr a few months later and sentenced to three months in Ayr Tolbooth.⁵⁷

This incident may be just the tip of an iceberg of opposition to the collection of both Government duties and local road-taxes. Whether the opposition was a general one, possibly political, or more mundane, involving personalities, we cannot tell. The papers of the case are unfortunately wanting, even the declaration of the accused which might have thrown some light on the reasons behind the disturbance. However, the events recounted in the indictment against the shoemakers do indicate a quite solid, village-wide resistance to the collection of the taxes. The fact that troops and a messenger-at-arms from outwith the parish were

56. JC26/361, Ind. against Hugh Marshall and James Dickie, 15 September, 1813.

57. JC12/28, South Circuit Minute Book, xxviii, H.M. Advocate v. Marshall and Dickie, 15 September 1813.

employed by itself indicates that resistance was expected. It is possible that Kilmaurs was notorious for opposition of this kind. On the other hand, some particular circumstance may have triggered off the direct action, from the personality of the tax collectors, through the state of the roads in the locality, to opposition to the war in Europe. Another and more likely explanation is to be found in the great weavers' strike in the west of Scotland. Beginning in December 1812, it continued into February 1813, when the leaders were arrested, and in some areas beyond that. Kilmaurs was a weaving village; their opposition to taxes could therefore have been based on a combination of inability to pay and resentment against those in local power who had broken their struggle for living wages. For their part, the shoemakers Marshall and Dickie were following a tradition in their trade of radicalism and involvement in popular direct action.

5. THE TRON RIOT

Finally, a riot which does not fit any of the categories mentioned in this or earlier chapters. The riots we have discussed so far have had more or less easily identifiable causes of an economic, social or political nature. The riot in question is the 'Tron Riot' or 'Hogmanay Riot' which took place on the evening and early morning of Hogmanay and New Year's Day 1811-12. The disturbance, although ascribed in both cases to 1812-13, has been described as revealing 'the existence of a demoralised population' in Edinburgh and 'the need for police and crime prevention',⁵⁸ as well as being used as evidence that there was in

58. Laurence J. Saunders, Scottish Democracy, 1815-1840, (Edinburgh, 1950) p.88.

Edinburgh 'a depressed proletariat which differed markedly from the eighteenth century mob'.⁵⁹ While it is probably the case that much of Edinburgh's population was indeed demoralised and that this depressed proletariat was in many ways different from that of the eighteenth century, it seems a little dangerous to rest arguments to that effect on what was, as we shall see, an outbreak of premeditated criminal violence. Such an outbreak is, of course, a strong indication that changes were taking place in the social conditions of Edinburgh but not sufficient evidence of a fundamental alteration of changes in social attitudes.

As far as can be gathered there existed in the old town of Edinburgh a loosely organised group of young men who were called, or called themselves, the 'Thief Gang'.⁶⁰ On Hogmanay 1811, members of the 'Thief Gang' gathered on the High Street and mingled with the other citizens of the town who were abroad to celebrate the arrival of the New Year. Apparently simultaneously the gang began to set about any and every 'gentlemen' they could find among the crowds, first demanding money and then, if sufficient was not forthcoming, attacking and robbing them of their pocket-watches and other valuables. In the course of the night some freelance assaults may have occurred but the main robberies were perpetrated by members of the gang. During the 'constant riot and disturbance' which went on for between two and four hours⁶¹ over

59. William Ferguson Scotland: 1689 to the Present, p.275

60. JC26/358, H.M. Advocate v. Hugh MacDonald, et al., 21 March 1812, 5th Decl. of Hugh MacIntosh, 13 January 1812.

61. JC26/357, Ind. against John Skelton, 2 March 1812, and 1st Decl. of John Skelton, 1 January 1812.

two dozen people are identified as having been attacked and robbed on the High Street, in Hunter Square and on North and South Bridge, all close to the Tron Kirk.⁶² The most serious incident of the night occurred when Dugald Campbell, one of the police watchmen who tried to stop the indiscriminate violence, was murderously attacked by several of the 'Thief Gang' in the Stamp Office Close, just west of the Tron. His wounds proved fatal⁶³ and his unfortunate death may have contributed to the notoriety of that night's events.

Following the riot several of those who had been active in it left town. Hugh MacDonald, a shoemaker who was one of those accused of Campbell's murder, spent some nights living rough at Currie and in the Pentland Hills before making for Peebles where he got a job under an assumed name. He was arrested there early in February.⁶⁴ Hugh MacIntosh, a porter who seems to have turned 'King's Evidence' in a vain attempts to save himself from the gallows, accompanied another of those involved, Neil Sutherland, to Glasgow in order to pick up a trunk full of watches stolen during the affray and sent on separately by carrier. Before they could sell many of them they were arrested and taken back to Edinburgh.⁶⁵ Others involved in the gang laid low in Edinburgh but most were eventually arrested and charged with various degrees of involvement in the riot. The charges differed from those we have become

62. Ibid., Ind. against John Skelton, 2 March 1812, and against Robert Gunn, et al.; JC26/358, Ind. against Hugh MacDonal, et al., 21 March 1812.

63. Ibid., Ind. against MacDonald, et al., 21 March 1812; Scots Magazine, lxxiv, (1812), 74. (A clerk, James Campbell, also died of wounds suffered during the riot).

64. Ibid., 1st Decl. of Hugh MacDonald, 11 February 1812.

65. Ibid., Decls. of Hugh MacDonald, passim and Decl. of Neil Sutherland.

accustomed to in popular disturbances in that the intent to rob is the most important part of the charge, the 'mobbing and rioting' being secondary, while some of the accused were charged with murder. The essentially different and criminal nature of the events of Hogmanay and Ne'er Day 1811-12 are best illustrated by the charges made against those believed to have been involved.

John Skelton, a journeyman gunsmith, was among the first of those arrested on New Year's Day and on 2 March 1812 he faced charges of street robbery. He was convicted and sentenced to death but was granted a remission in May.⁶⁶ John Darling, John Michie, and John Lauder were arrested a month after the riot and were charged with mobbing and rioting. When their trial came on in July, Michie had a petition to be banished furth of Scotland for life accepted by the court while Darling, who had previously been offered the chance to enlist but had not been accepted by the army because of 'his scrofulous and consumptive habit of body', was similarly allowed to banish himself for fourteen years. The third accused, Lauder, pleaded not guilty and the case against him was deserted by the Crown.⁶⁷ These three were clearly regarded as peripheral figures in the riot. Banishment was a 'voluntary' punishment in that, unlike transportation, there was no compulsion involved except the very real threat of severe punishment, often death, if the person concerned was found in Scotland during the period of banishment. It also had the disadvantage that the people who were banished either moved out of the

66. JC26/357, H.M. Advocate v. John Skelton, 2 March 1812; H.C. Index, ii, 2 March and 15 May 1812.

67. JC26/357, H.M. Advocate v. John Darling, et al., 6 July 1812; JC8/9, Books of Adjournal, ix, 6 July 1812.

legal jurisdiction of the Scottish courts, i.e. into England, or they drifted deeper into crime inside Scotland as people without rights constantly in danger of being exposed to the authorities. If these three were the least important, the key personalities are probably revealed by two other cases which the authorities began. Robert Gunn and Alexander MacDonald alias White were accused of robbery during the riot but their case seems to have been abandoned by the Crown.⁶⁸ The explanation for this is probably to be found in the prosecution of two other people closely associated with these two sixteen year-olds: John White and Margaret Reid alias MacDonald, Alexander MacDonald's step-father and mother. White and his wife lived in Weir's Close, (off the Canongate near Chessel's Court) and they can be fairly certainly identified as professional 'fences' or reseters of stolen goods and the principal reseters of articles stolen by the 'Thief Gang'. On this occasion they were charged with receiving watches, pocketbooks and handkerchiefs - very much in the Fagin tradition - stolen by Gunn, MacDonald and a third man, James Johnstone, a mason who had been outlawed at some previous date for failing to appear in court on a charge relating to the riot. The evidence against these two was clearly not regarded with sufficient confidence by the authorities to enable them to refuse a petition from them to be permitted to banish themselves from Scotland for life and on 22 June this was granted.⁶⁹ It can be surmised that the authorities were satisfied that Gunn and MacDonald would probably accompany White and Reid into banishment or at least out of Edinburgh. It was probably also thought that it was more important,

68. Ibid., H.M. Advocate v. Gunn and MacDonald, n.d.

69. JC26/358, H.M. Advocate v. White and Reid, n.d., Petition of James White and Margaret Reid, 20 June 1812.

and certainly easier, to get rid of two reseters whose activities may have bred the 'Thief Gang' and without whom their depredations might be restricted, than to prosecute two relatively unimportant members of the gang.

The most serious charges of murder and robbery were made against Hugh MacDonald, Hugh MacIntosh, Neil Sutherland, George Napier and John Grotto.⁷⁰ As well as taking part in the general knocking down and robbery of victims, these five were accused of assaulting and mortally wounding Dugald Campbell, the unfortunate police watchman who tried to intervene in the *melée*. He was attacked in Stamp Office Close and, at the end of the trial, MacDonald, Sutherland and MacIntosh were found guilty and sentenced to be executed on the High Street opposite the end of the close. Grotto, who was a serving soldier, and Napier, a tanner, were also convicted but avoided the gallows to be transported for life.⁷¹ The execution of the three condemned men, it was decided, should be a 'dreadful example' and great pains were taken to see that it was. Four hundred Royal Perthshire militia-men lined the High Street, two hundred Royal Edinburgh Volunteers were stationed in Hunter's Square while the 6th Dragoons were held in reserve in Nicholson Street. The Provost, Magistrates and High Constables accompanied by one hundred and fifty special constables marched in procession with the condemned men, each with a minister and guarded by the Town Guard, to the specially constructed gallows. To the last Hugh MacIntosh denied murdering the police watchman while the other two

70. *Ibid.*, H.M. Advocate v. MacDonald, *et al.*, 21 March 1812.

71. H.C. Index, ii, 21 March 1812.

confessed to the robbery with which they were charged. A very large crowd filled the High Street to see the final act in the story of the Hogmanay Riot. ⁷²

Clearly the Hogmanay Riot was a serious breakdown in law and order in Edinburgh and not surprisingly the activities of the 'Thief Gang' caused the civic authorities a great deal of anxiety, leading them to make demands on central government for an extension of the magistrates powers. These were felt to be inadequate against the organised system among the perpetrators' revealed by the outrages of 31 December/1 January. The answer they felt was a new Police Act for Edinburgh on lines similar to that granted to London after similar trouble. ⁷³ The riot was not, however, a popular disturbance in the sense that others we have studied were. Contemporary opinion was that the Hogmanay Riot was

chiefly committed by a band of idle apprentice boys, regularly organised for the purpose, and lurking in stairs and closes, from which they issued on a signal given, in large bands, and surrounded and overwhelmed those who were passing by. ⁷⁴

There is little or no reason to dissent from that assessment now.

72. Scots Magazine, lxxiv, (1812), 394-5.

73. H.O. Corr., RH2/4/97, ff.150-153v., William Creech, Lord Provost of Edinburgh and William Rae, Sheriff-Depute, to the Home Secretary, 3 February 1812.

74. Scots Magazine, lxxiv, (1812) 74.

CHAPTER TEN

CONCLUSION

1. Composition of Crowds
2. The Rôle of Women
3. Handbills and Incitement
4. Leadership and Organisation
5. Forms of Action

In the preceding chapters we have drawn certain conclusions about the reasons why disturbances took place. We have discussed who was involved, what their aims and objectives were and we have looked at the particular modes of action employed. The reaction of Government to disturbances and the questions of revolution and class-struggle have also been touched upon. It is intended to bring some of these conclusions together and to make some more general conclusions about popular direct action in our period in this final chapter. The major points for consideration are the overall composition of crowds, the role of women in disturbances, the use of handbills and incendiary letters and the question of incitement in popular disturbances, leadership and organisation in direct action, and finally, the more generalised forms and modes of action seen in our period.

1. COMPOSITION OF CROWDS

Over 450 individuals can be identified as having been closely involved in the various disturbances which have been described above. Innumerable others, unknown to history, were also involved. We have already met some of the former giving testimony about their part in the disturbances, about what they had seen others do and about why they and others were involved at all. Who were they? One thing has already become clear - they were not the 'dregs of society' but a cross-section of the ordinary working community. Crowds were composed, in other words, of George Rudé's 'lower orders', menu peuple or sans cullottes, rather than Gustave Le Bon's criminal elements, riffraff, or social misfits.¹ It remains to discuss in more detail, therefore, the composition of crowds in our period.

The different occupations of those involved in the various disturbances described above are given in Tables 1 to 4. Table 1 gives the total numbers involved according to the following categories - skilled manual workers, unskilled manual workers, non-manual workers and those who were given no designation. The other three tables are expansions of Table 1 giving the total numbers of those for any given occupation who were involved in any disturbance. The numbers of each sex are indicated. Women were rarely referred to in the records under their own occupation and were described as a daughter, spouse or relict (widow) of a named male whose occupation was given. In the Tables, therefore, women usually appear under the occupation of their named

1. G. Rudé, The Crowd in History, pp. 204-210; Gustave Le Bon, The Crowd: A Study of the Popular Mind (London 1909) pp.36ff.

TABLE 1: TOTALS INVOLVED IN DISTURBANCES BY CATEGORY

	Skilled Manual	Unskilled Manual	Non- Manual	No Designation (Males)	No Designation (Females)	Total
Food	85 (21) ^a	18 (11)	7 (2)	7	(12)	117 (46)
Militia	64 (4)	23 (1)	12 (1)	7	(1)	106 (7)
Clearances	30	1	2	2		35
Patronage	10 (4)	4 (7)		1	(2)	15 (13)
Political	18 (1)	5	2	3		28 (1)
Toll-Bars	21	7			(1)	28 (1)
Tron	3	1		5		9
Anti- Recruitment	7	2		1		10
Cuckold	4	1				5
Exhumation	3		2			5
Industrial	15	6	1			22
Anti- Taxation	5					5
Males	265	68	26	26		385
Females	30	19	3		16	68
TOTAL	295	87	29	26	16	453

Note a. Figures in brackets denote females.

TABLE 2: SKILLED MANUAL WORKERS

	WEAVERS	SHOEMAKERS	WRIGHTS	MASONS	TAILORS	SMITHS	BUTCHERS	COLLIERS	STOCKINGMAKER	THREADMILLER	WOOLCOMBER	CLOGMAKER	MILLER	LIMEBLOWER	FISHERWOMAN	FISHERMAN	GARDINER	PLASTERER	GLOVER	TANNER	SHIP'S CARPENTER	CARVER & GULLDER	SLATER	SMALL TENANT	TOTAL
Food Riots	38(4)	11(4)	5(1)	3(3)	5(3)	2(1)	1(1)		4	2(1)	1(1)		1		(1)	3(1)	1	2	1	1	1			3	85 (21)
Militia	20(1)	4	8	3	3(1)	6		3(2)				1	1	1										14	64 (4)
Disturbances																								30	30
Clearances																									
Patronage	4(4)		1														1							4	10 (4)
Political	5	1	1	6	1	1	2(1)															1			18 (1)
Toll-Bars	2	1			2	1		3																12	21
Tron		2																			1			3	
Anti-Recruitment	3																2					2		7	
Cuckold		2	1																				1	4	
Exhumation		1																						2	3
Industrial	7		7				1																	15	
Anti-Taxation	2	2						1																5	
Males	81	24	23	12	11	10	4	7	4	2	1	1	2	1	3	2	2	2	1	2	3	1	1	67	265
Females	(9)	(4)	(1)	(3)	(4)	(1)	(2)	(2)		(1)	(1)				(1)	(1)								(30)	
TOTAL	90	28	24	15	15	11	6	9	4	3	2	1	2	1	4	2	2	1	2	3	1	1	1	67	295

TABLE 3: UNSKILLED MANUAL WORKERS

	HOUSE SERVANTS	SEAMEN	GENERAL LABOURERS	FARM LABOURERS	SOLDIER	UNSKILLED SERVANT	CARTER	COTTONWORKER	CHAISE DRIVER	WOOD CUTTER	QUARRIER	SALTER	BREWERY WORKER	TOTALS
Food Riots	3(1)	1(4)	6(1)		3(3)	3	1(2)			1				18 (11)
Militia	8		4	8		1	(1)	1					1	23 (1)
Clearances	1													1
Patronage	1	2(5)	(1)	1								(1)		4 (7)
Political	3				1				1					5
Toll-Bars	1			6										7
Tren					1									1
Anti-Recruitment		1									1			2
Cuckold		1												1
Exhumation														
Industrial		3	3											6
Anti-Taxation														
Males	17	8	13	15	5	4	1	1	1	1	1		1	68
Females	(1)	(9)	(2)		(3)		(3)					(1)		(19)
TOTAL	18	17	15	15	8	4	4	1	1	1	1	1	1	87

TABLE 4: NON-MANUAL WORKERS

[illegible]

relative. This is not necessarily an accurate description of the women involved and it certainly is not a fair one: the source material, however, leaves little choice in the matter. The point is to attempt to assess, however crudely, the type of people who were active in crowds in our period. It is accepted that this classification is itself crude but it is the classification of individuals given by the legal authorities at the time of their arrest or questioning. The grouping of the occupations into skilled and unskilled, manual and non-manual is a subjective rather than a scientific analysis of the available data. Most occupations fall easily into one or other of these classifications although there are some which cause difficulty. The recognised trades - weaving, tailoring, milling, etc. - can be classed with justice and ease as 'skilled manual'. General labourers and brewery workers, similarly, fall into the 'unskilled manual' class. The distinction, however, between a 'skilled' small tenant and an 'unskilled' farm labourer is, admittedly, less easily made. The reasoning in this case is that the small tenant, no matter how poverty stricken or oppressed, was a tenant and not a wage-labourer while the farm labourer, no matter how skilled, was a wage labourer, usually for a tenant farmer. The non-manual classification is similarly somewhat arbitrary. The lawyers, the merchants, and the doctor more or less classify themselves, while doubts might be raised about the watchmaker and the chapman. This sort of grouping is for convenience only and since the occupations themselves are defined by others anyway, they only serve as a general guide to the proportions of types of people involved in popular direct action.

Looking at Table 1, the most startling aspect is that over 65% of those involved in all disturbances fall within the general category

'skilled manual'. Those in that category, 296 out of 455, are over 3 times more numerous than those in the next largest category, the unskilled manual workers. Only in one disturbance, the Tron Riot, is this general pattern not repeated and this riot is one which, it has been argued, was more of a criminal escapade than a popular disturbance. By contrast those people to whom the records gave no occupation form less than 10% of those taking part in all the disturbances described above. The inescapable conclusion is that, as Rudé and others argue, it is those with a trade, those working in the relatively stable, not to say traditional, manual occupations who predominate in popular disturbances. It is not the wage-labourer, under-employed on a casual basis perhaps, neither is it the petty criminal nor even the homeless 'strolling player' but the weavers, shoemakers, wrights and masons who make up the most active elements of crowds in our period.

Turning to Table 2, a detailed breakdown of all the skilled manual workers and their (usually female) relations, it can be seen that two types of person dominate these. The weavers and the small tenants farmers together count for over half of those in that category. Before the turn of the nineteenth century, the hand-loom weaver was by and large an aristocrat among workers. Active in literary and political discussion, many supporting the Friends of the People and even the United Scotsmen and enthusiastic, if sectarian, in religion, weavers are unlikely to have allowed themselves to take a back seat in using popular direct action. As the Table shows they were particularly active in meal and other food riots. Indeed, at least six locations of meal riots - Galston, Newmills, Beith, Crieff and Kirriemuir - were predominantly weaving villages.

Seven locations of disturbances against the Militia - Rattray, Alyth, Balfron, Cambuslang, Kilsyth, Strathaven, Dalry - were weaving villages and weavers were statistically predominant in those disturbances also. Approximately 23% of all those taking an active part in food riots were weavers while the figure for the anti-militia riots was just over 14%. Weavers were active in other types of disturbance although in four, those associated with the Highland clearances, the Tron riot, the small Keith disturbances, and the exhumation in Ross-shire, no weavers came to the notice of the authorities. Of the others, only in the disturbances over church-patronage were the weavers and their women-folk predominant.

The next most numerous occupation listed in Table 2 is that of the small tenant farmer. Just under half of the total were, not surprisingly, involved in various forms of action against the usually successful attempts of huge landowners to clear their lands of tenants to make way for more profitable sheep. These men were often communal tenants,² in a somewhat different relationship to their landlord than those small, lowland tenants violently protesting against the erection of toll-gates or over the conscription of their sons. That small farmers should make up more than half of those involved in the former type of disturbance is also not surprising. When a new gate or bar was put up on a road it was they who stood to lose most. It was they who depended most upon taking goods to and from markets, carting manure and lime from field to field. It has been suggested, further, that hedges, paths,

2. See J. Hunter, The Making of the Crofting Community (Edinburgh 1976).

and lanes were an important source of grazing for any small farmers' stock,³ and this was partially, if not in fact, threatened by the erection of toll-bars and gates. Although fewer in number than weavers, shoemakers were also active in eight out of the twelve types of disturbance studied. The traditional leader of the Edinburgh mob in the mid-eighteenth century was Joseph Smith, a shoemaker in the Cowgate.⁴ Like the weavers, the shoemakers were also active radicals after 1789 and their position in local life - everyone needed shoes - led them to become involved at the centre of many disturbances. The next most numerous group were the wrights or joiners who participated in half of the twelve types of disturbance. Next in line came masons, tailors, colliers, smiths, and butchers, each group being involved in only three or four of the disturbances. Thereafter came a variety of miscellaneous occupations, some of which are reported only once in disturbances in the period. The stockingmakers, threadmillers and woolcombers were active only in food riots, while the single clog-maker and limeblower took part in militia disturbances. Surprisingly, perhaps, a miller is found among those involved in food riots as well as one in the militia disturbances. The only woman who appears under her own designation in this section is a fisherwoman who was indicted for her part in the meal riot at Macduff in 1796. Since a large proportion of meal riots occurred in small coastal towns and villages, it is not surprising that all three fishermen and one close female relative should have taken part in meal mobs.

3. E.P. Thompson 'Common Right and Custom', Lecture to Edinburgh University History Society, 26 April 1972.

4. Robert Charles, Traditions of Edinburgh (Edinburgh 1825) ii, 146.

Among the unskilled manual workers shown in Table 3, the house servants were both the most numerous and most widely distributed among the disturbances. It is not clear why this predominance should occur but it may be simply that the house-servants had more opportunity than most to be out and about during the day and thus were more likely to become part of an active crowd. Another explanation, however, is that many house servants were easily recognisable in their masters' uniforms and therefore ran a higher risk of finding themselves arrested. John Bertram, a house-servant in Edinburgh who was charged with taking part in the King's Birthday Riot in 1792, exemplifies both explanations. He was at large during the riots on his masters' business and, being in uniform, he was easily recognised.⁵ Almost as numerous as the servants were the seamen. In fact, however, the seamen themselves were outnumbered by their close female relations. Although they were spread across five types of riot, the bulk of the 'seamen' category fall into food and anti-patronage disturbances. In these, female relatives outnumbered seamen themselves by 4 to 1 and 5 to 2. As we have seen, a large proportion of food riots occurred in coastal towns and villages and seamen, while based in those places, spent much of their time at sea. A fairly significant part of the population of a coastal village therefore, would consist of seamen's wives. In a period of shortage, it is not unlikely that these women would be among those most affected. They would neither have much available cash to buy meal nor the prospect of getting cash for future supplies. In a time of rising prices, women like these would be particularly liable to attempt to take direct action against rising prices and shortages. As far as the patronage disturbances are concerned,

5. JC26/265, H.M. Advocate v. Bertram and Lockie, 16 July 1792.

four of the wives or daughters of seamen were involved in the riot at Saltcoats, a coastal town where one would similarly expect to find many seamen's families.

Closely behind these groups, came the labourer both general and farm. General labourers, those working in various purely manual jobs and often on a casual basis, number fifteen spread over four types of disturbance. Farm labourers, more specifically those doing labouring jobs in agriculture, were also fifteen strong but involved in only three varieties of disturbance. The most startling difference between these two occupations is the complete absence of farm labourers in food riots. Working at the source of food, they clearly never had occasion to be very actively involved in direct action to secure an adequate supply of food. On the other hand, nearly half the general labourers took part in food riots. As low-paid, often casual, wage earners, town labourers and their families were particularly liable to suffer from upward fluctuations in the price of meal and other necessities. Farm labourers, however, were more numerous in militia disturbances than town labourers because in the rural parishes the likelihood of being balloted to serve in the militia was so much higher than in the towns. Similarly farm workers were affected much more by the operation of turn-pikes and toll-bars and this is reflected in the figures. The remaining categories of unskilled manual workers need little further comment. Soldiers on leave and soldiers' families were not among those who had a steady and reliable income and were, like general labourers, likely to be badly affected by shortage of food or an increase in the price. The one carter who was himself involved in a food riot is outnumbered by

by women closely related to them, two in food riots and another in a militia disturbance. The others appear only once - the cotton worker who is the only identifiable factory worker, the chaise driver, who has already been noted, the woodcutter, quarrier, salter, and brewery worker.

Table 4 contains only thirty-one people, just over 6% of the total. The occupations are varied. They range from a strolling player and ballad singer to a church officer and two catechists. There are only three professions represented, that of surgeon, lawyer and schoolmaster. The surgeon, from Whitburn, became quite actively involved in the militia agitation on the Bathgate burgh muir. The involvement of one of the lawyers in the political disturbances associated with the 1784 General Election in Dunfermline is not surprising in the context of eighteenth century elections; the involvement of four other lawyers in food and militia disturbances is perhaps more surprising. Solicitors, or 'writers' as they were generally known, were closely involved in the life of communities and clearly also became involved in popular direct action on some occasions. One of these writers is mentioned below as a crowd 'leader'. The schoolmaster, George MacLeod from Kildonan, is also mentioned as a 'leader' along with one of the catechists. The non-professional people in this section are a varied group. It includes, for instance, a customs controller who acted the part of gamekeeper turned poacher when he became involved in a meal mob at Port Patrick, and a church officer who took part in the exhumation of a coffin from his own churchyard.

It is not difficult to conclude that, with these latter few

exceptions, the composition of the crowds taking part in popular disturbances in Scotland between 1780 and 1815 was not the 'dregs of society' but by and large the 'lower orders'. Over half of those closely enough involved in popular disturbances to come to the notice of the authorities were skilled manual workers, while the criminal and vagrant members of society do not figure at all. One should not, of course, assume that crowds were composed entirely of the people mentioned in the Tables. The composition of crowds was, however, a mixed cross-section of those who made up the greater part of the Scottish population.

2. THE ROLE OF WOMEN

Women were very active in many types of popular disturbance but they were less likely to be prosecuted than their male colleagues. Women constitute only 15% of the total of those charges with offences connected with direct action but the figures for specific types of action differ markedly, as the tables show. At the top of the list are the patronage riots in which women made up 46.4% of those implicated, followed by food riots with 28%. Far behind these come the militia riots with 6%, the political disturbances and the toll-bar riots with 3.4% each. The other disturbances did not involve women at all as far as the figures for those arrested are concerned; although there is no evidence for the view that prosecutors believed it more difficult to convict women, this is a possible explanation for the small number of women put on trial. Prosecuted or not, women did play significant roles in Scottish popular disturbances, as they did elsewhere in Europe.

Perhaps most noticeably in the late eighteenth century, women were very active in France in the march on Versailles in October 1789 when the crowds consisted 'not only of market women but also of well dressed bourgeoises'.⁶ While it is not intended to make the case of women in crowds a special one, it is worth considering the matter further and noting the sorts of disturbance in which Scottish women took part.

In discussing the involvement of women in disturbances in Paris in 1795, George Rudé comments that their presence in large numbers was 'a sure indication that the "bread and butter" issue was to the fore'.⁷ Without implying that Rudé's opinion is necessarily true of Parisian women, it can be shown that Scottish women were certainly involved in disturbances where the issues were more sophisticated than 'bread and butter' and not at all related to the stereotyped rôle of women as house-wives. Women formed 46.4% of all those charged with mobbing and rioting in cases where the motive was opposition to the exercise of church patronage by lay patrons against the popular wishes of the congregation. Far from being a 'bread and butter' issue, the question of who should decide on the appointment of a minister to a church was a sophisticated politico-religious one, of concern to the whole congregation. While women were formally excluded from the government of the Church of Scotland, they were active members of congregations. Unfortunately, in the cases in which women were particularly active - the disturbances at Newburgh in 1785 and at Saltcoats in 1790 - the information available

6. George Rudé, Paris and London in the Eighteenth Century, p.113.

7. Ibid. p.156.

is strictly limited. In the first case the charge against the two women was deserted when they came to trial and therefore their judicial declarations are not included in the justiciary papers.⁸ Similarly, charges against most of the eleven women involved in the Saltcoats disturbances were deserted. Since most of the papers have been lost in this case anyway, this makes little difference. The only thing we know about the trial is that one woman and one man were acquitted while the remaining four women were found guilty but were assoilzed and dismissed on the discovery of a technical defect in the jury's verdict.⁹

No women were charged following the Assynt patronage disturbances but there were clearly women involved very actively in the protests against the imposed minister. The initial attempt to prevent the induction of the minister occurred when a crowd of women piled stones against the church doors blocking them.¹⁰ When William Young, the Countess of Sutherland's factor, and his men tried to clear the stones away, it appears that some of the women were hurt. In their defence, the three men who stood trial argued that the women had merely tried to argue with Young about the presentation of the unpopular minister.¹¹ It seems likely that the intention was to both - to argue and to act. A precipitant factor to further violence was the discovery described by one of the defendants who heard a shout of 'Murder' as he approached

8. JC11/35, North Circuit Minute Book, xxxiii, 5 May 1785; JC26/237, H.M. Advocate v. John Duncan, et al., 5 May 1785.

9. JC12/21, South Circuit Minute Book, xxi, 10 September 1790.

10. JC26/360, Ind. against William MacKenzie, et al., 17 September 1813.

11. Ibid., Defences of William MacKenzie, et al.

the church:

On reaching the church he saw a crowd of Women and among them he saw two Women one with blood upon one of her feet. He also saw a third woman lying betwixt other two women, but whether she was hurt or not he cannot say. ¹²

After this incident feelings among all those opposed to the settlement were high: William MacKanzie, it was admitted, 'seeing the treatment the women had received' warned Young that he and his men should leave before the women's husbands arrived the following day. ¹³ It is clear that the women of the parish of Assynt were on this occasion in the vanguard of popular resistance to the settlement of the landlord's minister. In this they were at the beginning of a long tradition in the Highland area of popular resistance to landlordism led, in the first instance at least, by women. ¹⁴

While the patronage disturbances showed the highest concentration of women as active participants, other disturbances also involved numbers of women. Though apparently not taking a leading part, it was remarked that women formed a large proportion of the crowd outside Lady Arniston's house in George Square at the beginning of the King's Birthday Riots in 1792. ¹⁵ Women were active in opposition to military recruitment. In Campbelltown the crowd which attacked and disarmed the

12. Ibid., Decl. of William MacKenzie, 28 July 1813.

13. Ibid., Defences of William MacKenzie, et al.

14. See, for example, Eric Richards, 'How Tame were the Highlanders during the Clearances?', Scottish Studies, xvii (1973) and the earlier, polemical, Donald Macleod, Gloomy Memories (Glasgow 1892) and A. MacKenzie, The Highland Clearances, (Inverness 1883)

15. H.O. Corr., RH2/4/63, f.113, Decl. of Lt. Col. Francis Dundas, 6 June 1792.

naval press-gang was composed almost entirely of women.¹⁶ The officer in charge of the press-gang had to be protected 'from the fury of the women' in the barricaded shop of one of the magistrates.¹⁷ It was the opinion of another witness that two women, Maire Taylor and Flora MacKinnon 'were very active in the Mob, promoting mischief',¹⁸ implying that it was they who were leading the crowd. Since no criminal proceedings resulted after the Campbelltown affair the women's own account is not recorded. During the attempt to release an alleged deserter from prison in Crieff, it was a group of women who gathered outside the lock-up trying different keys in the door without success.¹⁹

Furthermore, while forming only 6% of those arrested and charged in connection with the widespread militia riots, women were certainly actively involved in many of the disturbances. It was a group of women, for instance, who tried to seize the militia list in Strathaven.²⁰ At Markinch one woman was particularly prominent and there were many other women in the crowds. Christopher Campbell, who was transported for five years for his own part in the disturbances around Markinch, commented that

he heard it said in the mob that a woman with a yellow ribbon in the Milntown of Balgownie spoke a great deal.²¹

16. H.O. Corr., RH2/4/78, f.186, Decl. of Hugh MacAllum, 1 May 1795.

17. Ibid., f.187

18. Ibid., f.194, Decl. of William Watson, 2 May 1795.

19. JC26/331, H.M. Advocate v. Duncan MacFarlane, et al., Decl. of Hugh Gillies, 3 August 1807.

20. H.O. Corr., RH2/4/80, f.205, Decl. of William Aiton, 27 August 1797.

21. JC26/292, H.M. Advocate v. Campbell and Beveridge, Decl. of Christopher Campbell, 12 September 1797.

During the same series of disturbances two women threatened to tear one of the Deputy-Lieutenants limb from limb while others were prominent in insisting that everyone should continue together until all the Deputy-Lieutenants had been visited. ²²

At Tranent women were particularly active in opposing the Militia Act. In one contemporary account of the riot it was stated that

the women were particularly clamorous, and for some time seemed to take the lead; for the men, either ashamed of the business, or wishing to conceal their strength, at first kept out of sight. ²³

Other accounts concur with this observation. When the Deputy-Lieutenants arrived in Tranent they were met by a large and hostile crowd, 'chiefly women'. ²⁴ Before the attack on the house where the Deputies met, Elizabeth Watson, a collier's wife from nearby Penston, marched up and down beating a drum in front of the platoon guarding the door. ²⁵ Another woman, Elly Duncan, was among those tried for mobbing and rioting at Tranent. She was, however, assailed on a technicality because the prosecutor had interpreted 'Elly' as Elizabeth in the indictment, when her name was in fact Alison. ²⁶ There is no evidence that Alison Duncan

22. JC26/292, H.M. Advocate v. James Christie, et al., Decl. of James Christie, 12 September 1797.

23. H.O. Corr., RH2/4/81, f.49v., 'Narrative of the Proceedings at Tranent'.

24. Ibid., f.106v., An 'Account of the Tranent Riot', by the Deputy-Lieutenants sent to the Lord Lieutenant, 8 September 1797.

25. H.O. Corr., RH2/4/82, f.280v., Decl. of Capt. David Finlay, 27 October 1797 and f.312, Decl. of Lawrence Lee, 4 November 1797.

26. JC3/49, Books of Adjournal, xlix, 10 October 1797.

was more or less active than other women, or men for that matter, in the crowd: she was simply among those who were seized after the dust had settled. The presence of women in the crowd particularly incensed one of the local coal-owners and deputy-lieutenants, John Caddell. He 'used very abusive language to the women, damning them for Bitches' and, waving a copy of the Riot Act, hoped that it would 'do for them'. When some of the women complained that

it was a hard thing for them to have the trouble of
bringing up Children to that age and then to have
them taken away from them,

his response was that if he had it in his power he would hang them all.²⁷ Of the twelve people shot dead by the troops during that riot, two were women: Joan Crookston was shot in the head on the main street²⁸ but Isabel Roger was shot 'within a door of a house' where she had been pursued by a dragoon.²⁹ When the shooting on the street was over, Janet Hogg, a coal-bearer, claimed that she was seized, struck and kicked by Caddell who dragged her to the headquarters of the Deputy-Lieutenants. Caddell, she said, repeatedly asked her name and, when she refused to give it, hit her with his stick and banged her head against a wall.³⁰ At Tranent, therefore, women were not only active in opposing the Militia Act but were victims of the violent reaction to that opposition.

27. S.R.O., CS230, C/10/12, Petition of James Johnstone: Deposition of M. Smith.

28. Ibid., Deposition of Janet Hogg.

29. Scots Chronicle, 1 September 1797, a letter from Archibald Roger, the deceased's brother, to his wife, 30 August 1797.

30. S.R.O., CS230, C/10/12, Petition of James Johnstone: Depositions of Janet Hogg, Helen Tod and Isabel Smith.

The Tranent Riot is a disturbance about which, because of its notoriety, we have a fairly detailed knowledge,³¹ and on the basis of this evidence as well as that for some other militia riots, it seems probable that women were involved in comparable numbers in many other disturbances against the Act. It is perhaps significant, then, that there should appear in the Edinburgh Herald and Chronicle the 'Humble Address of the Young Women of Scotland'. The young women, according to their spokeswomen, Bessy Bell and Mary Gray, had been looking forward to seeing the militia-men in uniform and to hearing of their military conquests -

But all our hopes of glory vanished when we perceived so many dastards in this country from nineteen to twenty-three of age [sic] - the moment that arms were offered them, they displayed their cowardice.

According to Ms Bell and Ms Gray the young women of Scotland would not marry anyone under forty who had not borne arms. If that did not work, they would wear breeches and serve in the Militia themselves.³²

Although uncertain whether to emulate Lysistrata or Diana, these young women evidently approved of the Militia Act. They had, however, certain advantages - beyond access to the Press - over their sisters in Tranent and elsewhere and these sisters made their own, rather different conclusions about the Militia Act. While the correspondence to the Herald and Chronicle provides some evidence of female involvement in issues of this sort, one might be justified in suspecting that the 'Address' was part of the Government's propaganda campaign in favour

31. See K.J. Logue, 'The Tranent Militia Riot of 1797', Trans. of the East Lothian Antiquarian and Field Naturalists' Society, xiv, (1974), 37.

32. Herald and Chronicle, 11 September 1797.

of the Act.

While women were not solely interested in 'bread and butter' issues, it is not surprising to find women to the fore in many meal mobs.

They were ... those most involved in face-to-face marketing, most sensitive to price significancies, most experienced in detecting short-weight or inferior quality. ³³

In almost all food riots there is evidence of female involvement in one way or another. As we have already noted, just over 28% of those charged in connection with food riots were women. It was three women who led an attack on a ship laden with potatoes in Kirkcudbright harbour. ³⁴ During a meal mob in Elgin, it was the women who rubbed meal on the face of the suspected leader of the crowd; ³⁵ the meal blackened the face and therefore obscured the recipient's identity. 'A tall woman with a white gown and green petticoat and her mutch untied' was seen on the harbour at Dundee during the disturbances in 1795. ³⁶ At Newmills the men, having intercepted and seized a cartload of meal, left it at the Cross 'and every man then present went off leaving none but women behind'. It was the women who then shared the meal out. ³⁷ The same was true nearly twenty years earlier at Portpatrick where in 1783 a crowd of women weighed out and distributed meal from Porttrue mill. ³⁸ Examples of women's involvement

33. E.P. Thompson, 'The Moral Economy of the English Crowd', Past and Present, 1, (1971), 116.

34. JC26/310, Ind. against Marion Milligan, et al.

35. JC26/303, H.M. Advocate v. James Rannie, et al., Decl. of James Rannie, 21 February 1800.

36. JC26/288, H.M. Advocate v. John Rodger, et al., Decl. of Jean Gordon 21 August 1795.

37. JC26/233, H.M. Advocate v. Smith and McCaull, Decl. of Margaret McCaull, 28 March 1783.

38. JC26/311, H.M. Advocate v. George Murdoch, et al., Decls of Stewart Mackie, 12 November 1800, and of Anne Lyon, n.d.

in meal mobs are repeated throughout our period and the fact that they made up nearly one third of those charged speaks for itself.

The poet Robert Southey was of the opinion, in 1807, that

women are more disposed to be mutinous; they stand less in fear of law, partly from ignorance, partly because they presume upon the privilege of their sex, and therefore in all public tumults they are foremost in violence and ferocity. 39

It is clear that women certainly were 'disposed to be mutinous' but there is no evidence that they were any more or less in fear of the law or in ignorance of it. Women took part in most disturbances for much the same reasons and generally in the same way as men did. They were as concerned to resist the imposition of unpopular ministers by lay patrons as their male counterparts were. Their opposition to compulsory military service was frequently demonstrated. As those who, for whatever reason, were closest to price fluctuations in foodstuffs, women were much involved in direct action to peg prices or secure supplies. The evidence of these few paragraphs and of the preceding chapters is that women took part in popular disturbances in considerable numbers and that they did not do so simply on 'bread and butter' issues. While we have sought to highlight the rôle which women played in popular disturbances in this period, that rôle should not be seen as being in any sense separate from the rôle of men. Women sometimes used different tactics than men - using the 'privilege of their sex' on a few occasions only - but their reasons for taking part were the same. If there was a woman's view of popular direct action, there is no evidence of it: women took part in

39. Robert Southey, Letters from England, (London 1814), ii, 47, quoted in E.P. Thompson, loc. cit., p.116.

popular disturbances because they experienced the same pressures, felt the same hunger and reached the same conclusions as the male part of the common people.

3. HANDBILLS AND INCITEMENT

By its very nature, it is difficult to show that there was or was not some form of incitement prior to any popular disturbance. In some instances which we have looked at, incitement would seem to have been superfluous, although that is not to say that it did not occur. The magistrates of Banff for instance, complained that Alexander Leith, a local distiller, had made an effort to incite crowds and encourage riots there. He was a member of the Friends of the People and he and some of his colleagues harangued the town crier with 'seditious' reform slogans. According to the magistrates, Leith innocently slipped away hoping for a disturbance to follow his interjections. None did: and no action appears to have been taken against Leith.⁴⁰ The Sheriff of Edinburgh said that boys throwing stones during the Kings Birthday Riot were 'instigated by persons from behind'⁴¹ - a very mild form of incitement. Even Government informers found it difficult to substantiate claims that the Friends of the People incited disturbances. An anonymous writer from Perth commented that,

40. H.O. Corr., RH2/4/63, f.99v., Statement by Magistrates of Banff.

41. H.O. Corr., RH2/4/63, f.130, Decl. of John Pringle, Sheriff-Depute of Edinburgh.

It is not known whether any Friends of the People took any underhand part in the late riots; but the people who were active there were of the lowest Class; and although it was conjectured they were instigated by people superior to themselves in respectability, nothing certain ever transpired as to this. 42

It was common place among 'the most respectable people in Perth' 43 and elsewhere that crowds of ordinary people must have been incited by people 'superior to themselves', but the general conclusion to which we are drawn by all the evidence reviewed in previous chapters is that there was little or no incitement as such.

This is not to say, however, that the minds of ordinary people were not previously influenced. One of the most effective methods used to influence people's minds was the handbill. These were usually handwritten papers left lying around public places or stuck on noticeboards or church doors. It was a handbill, appearing in Edinburgh in May 1792, which may have triggered off the process leading to the King's Birthday Riot. 44 At the time of the actual riots at least 14 different handbills were recovered by the magistrates in Edinburgh. 45 In Easter Ross in the same year, proclamations were put upon the church doors, calling the people to resist the landlords and rid the county of the sheep. 46 Handbills circulating in Dundee in November 1792 gave notice that an apprentice customs officer who had uprooted the Tree of Liberty would

42. H.O. Corr., RH2/4/64, f.342, Anon, report on the Friends of the People in Perth, n.d. (October 1792)

43. Ibid.

44. H.O. Corr., RH2/4/63, f.31, 'Handbill published at Edinburgh', May 1792.

45. Ibid., f.169, Decl. of James Strong, Lord Provost of Edinburgh.

46. H.O. Corr., RH2/4/64, f.262, Donald MacLeod to Robert Dundas, 31 July 1792.

be burned in effigy - and he was.⁴⁷ The following month two kinds of handbill could be found in Perth. The first called people to attend the first meeting of the Perth Loyalist Association,⁴⁸ while others warned people to have nothing to do with the Loyalist Association.⁴⁹ At Falkirk and Strathaven, at least, anti-militia crowds gathered as the result of handbills stuck up for that purpose.⁵⁰ The meeting of delegates held at Freuchie in Fife to consider the Militia Act, was summoned by putting handbills up in each parish.⁵¹

Most handbills were associated with broadly political issues, expressing anti-militia and anti-Government sentiments. They did, however, appear before and during some food riots. During the November 1792 disturbance at Dundee, which had a mixture of reform and food supply causes, small papers with 'No King, No Gager, Liberty' written on them were scattered in the streets.⁵² In Montrose, in December 1812, notices were posted up calling the inhabitants to a meeting in the town to protest against the export of meal from the harbour while the people were hungry. Handbills addressed to the shipmasters, who had already agreed not to ship meal, warned them not to go against their word.⁵³

47. H.O. Corr., RH2/4/65, f.35, Hall and Syme to Henry Dundas, 24 November 1792.
48. H.O. Corr., RH2/4/67, f.445, James Paton to David Smyth, Sheriff-Depute of Perth, 13 December 1792.
49. Ibid., David Smyth, Sheriff-Depute of Perth to Henry Dundas, 29 December 1792.
50. H.O. Corr., RH2/4/80, f.152v., Duke of Montrose to Duke of Portland 23 August 1792 and f.202v., Decl. of Wm. Aiton, 27 August 1797.
51. Ibid., RH2/4/81, ff.97-98v., Charles Boswell, Sheriff-Depute of Fife to Robert Dundas, 8 September 1797.
52. H.O. Corr., (Suppl.), RH2/4/207, p.409, James Mitchell to Adam Pearson, 25 November 1792.
53. JC26/360, H.M. Advocate v. Robert Ruxton, 20 April 1813, Productions 1, 2 and 3. These are reproduced on the following pages.

To The Shipmasters
As you have come to the resolution
of shipping no more oats I hope therefore
you will stand to the same as you
are well aware every other department
as done their duty but I do assure you
if you do not fulfill that resolution you
shall receive a Dreadfull Blow and not
know from what quarter take this
caution and keep yourself from beggary
and ruin when none shall be found
in pity. I am ever your most Obedt. Servant
James Murray Cairnes

Notice to the inhabitants
of Montrose
The meeting formerly advertised
to be held this night at 11 o'clock
Constable hill Montrose Bidge
instead of Windmill ~~hill~~
hill

SCOTTISH RECORD OFFICE

Reference:-

9C 26/360

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A more explicit warning was contained in a handbill posted up in Newmills, Ayrshire in October 1800:

IN THE NAME OF GOD AMEN

Farmers allow Not one ounce More of Meall to get out of your own Parish, to the Stores, Let every Maller be Sold one half-penny a Peck Cheaper than the one sellade before him till it comes to one Shilling a Peck or your house Shall burn at least "ye unfeeling take Care What your Dry Mouths utter" it is expected all places will follow this example, and let the hand that tears this Tremble.

God Save them has to buy meal and damn extortioners, and (regr)ats. [sic] 54

Although there is little actual evidence, it seems likely that the use of handbills like these was not uncommon in periods of dearth. Handbills like that in Newmills were a warning to farmers not to export meal but they must also serve as a focus for local feelings against that export.

Despite these instances, the rôle of handbills in popular disturbances is not really clear. We can extrapolate from the evidence we have that handbills appeared in relatively large numbers during the early 1790's when the issues were the reform of Government and later during the Militia riots. There is some evidence that they also appeared before or during food riots. However, the evidence only points to their existence. No-one is on record as having said that he or she took part

54. JC26/311, H.M. Advocate v. George Murdoch, et al., 16 April 1801, Production 1. This is reproduced on the next page.

IN THE NAME OF GOD AMEN

Farmers allow not one ounce more of Meal to go out of your own Parish, to the Sticks, Let every Maller be Sold one halpenny a Peck Cheaper than the one sold before him till it Comes to one Shilling a Peck or your house Shall burn at least //

ye unfeeling take Care What your Dry Mouths utter //

it is expected all places will follo this example, and let the hand that tears this tramble

god Save them has to buy meal and damn extortioners, and rats

SCOTTISH RECORD OFFICE

reference:-

9C 26/311

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in direct action because he or she had seen and read a notice about the high price of meal or the iniquities of compulsory recruitment into the militia. Where the volume and variety of handbills was very great, as before the King's Birthday Riot of 1792, there may be grounds for saying that they played a significant rôle in creating an atmosphere in which direct action of the sort which occurred was more likely. The Montrose notices mentioned above called the people to a meeting, but the other evidence shows that people were already feeling very strongly about the export of meal. We know that action against this sort of export was quite common and it is unlikely that the Montrose people required to be reminded of that. As far as can be seen, therefore, the rôle of the handbill in popular disturbances was not a central but a peripheral one. With the possible exception of the King's Birthday Riot, handbills or their authors were not very important in determining whether or not people took direct action in any particular situation.

4. LEADERSHIP AND ORGANISATION

The question of the leadership of crowds is a difficult one. George Rudé argues that the typical leader of a pre-industrial crowd came from outside the crowd rather than from within it - a minor landowner or lawyer for instance. He divides the leaders of crowds into three types, a leader-in-chief in whose name the crowd acts, an intermediate leader who passes on slogans or directs rioters to specific targets and an indigenous local leader who is simply the most articulate or militant among the rioters.⁵⁵ In the disturbances which we have discussed

55. Paris & London in the Eighteenth Century, pp.19-20.

there is no evidence of the first type of leader and few examples of the second, while only slightly more frequently does an individual of the third sort appear. Rudé's work, covering a longer period of time and including Paris in the period of the French Revolution, deals with many large scale urban riots and revolutionary crowds. The types of disturbance about which he has evidence are therefore markedly different from those which we are discussing. Nonetheless, it is worth noting that in no meal mob did a crowd profess to act in the name of George III nor in the militia disturbances was the name of Henry Dundas evoked as legitimation for a crowd's actions. The answer to why this should be so is probably hidden somewhere in the Scottish psyche; no clues are found elsewhere.

The identifiable leaders of crowds are a mixed group and their influence varied greatly. They include James Maxton, a master stocking-maker in Crieff; Walter Guthrie, a fisherman in Lower Largo; John Bruce, a weaver in Errol; William Ruxton, a journeyman tailor in Montrose; George Murdoch, a lawyer in Newmills; and George MacLeod the school-master and George McKay the catechist in Kildonan. The most important perhaps was Angus Cameron, the wright from Weem in Perthshire, who led the Strathhtay militia riots.

In Crieff on 16 December 1780, William McLellan, a mealseller, was assaulted and thrown in the River Earn. James Maxton, a local stocking-maker, and two of his apprentices were among those charged with mobbing and rioting.⁵⁶ As well as the fact that he was so

56. JC3/40, Books of Adjournal, xl, 12 February 1781.

charged along with two of his apprentices, several pieces of evidence point to him as a leader of this disturbance. In the first place, some of the questions which we can deduce were asked of his apprentices indicate that the magistrates were suspicious of his rôle. Alexander Whyte, who was later cited as a crown witness, denied that he had heard his master send two of the other apprentices to McLellan's house.⁵⁷ One of these two, David Campbell, said only that he had been sent on an errand by Maxton.⁵⁸ Another apprentice, James Fisher, heard that his master had 'gone to Compromise Matters' with McLellan and added that he had seen Maxton during the riot.⁵⁹ A witness said that Maxton had told him secretly that he thought 'it was not amiss' that McLellan should be given a 'hurle'.⁶⁰ Maxton himself admitted that he went looking for his apprentices in McLellan's house - but did not call out their names 'lest anyone should think he was calling them in'.⁶¹ In being so careful, James Maxton showed a great deal of perspicacity, perhaps a little too much for someone entirely innocent of involvement. It is these little pieces of evidence which build up to a picture of James Maxton as 'leader' of the disturbance in Crieff. He does not appear to have instigated action against the mealseller but rather to have sanctioned it once it had been proposed, possibly by his own apprentices.

Walter Guthrie, the fisherman from Lower Largo, was a much more

- 57. JC26/223, H.M. Advocate v. James Maxton, et al., Decl. of Alexander Whyte, 18 December 1780.
- 58. Ibid., Decl. of David Campbell, 18 December 1780.
- 59. Ibid., Decl. of James Fisher, 18 December 1780.
- 60. Ibid., Decl. of Peter Cameron, 12 February 1781.
- 61. Ibid., Decl. of James Maxton, 22 December 1780.

active leader. He took an active and leading part in breaking open a barn at Drumochie near Largo and it was he who directed two mealsellers to sell the meal at 1s per peck. He himself denied telling the crowd that he would die rather than see the grain shifted, but agreed that he had said he would stand by them if they stood by him.⁶² John Bruce, like Guthrie, was an active member of the crowd, taking a leading part in a meal mob at Errol in the Carse of Gowrie. Bruce, a weaver, stepped forward from the crowd at the Mains of Murie and asked for meal, telling the farmer that he had a bag to carry it in and money to pay for it. Despite his pleas that the people were hungry, the farmer insisted he had no meal to sell.⁶³ Both Bruce and Guthrie seem to have been men thrown up quite suddenly as leaders and but for their later appearances in court, they would have sunk back into the anonymity of the crowd.

A similar leader was Robert Ruxton who emerged during meal riots in Montrose in January 1813. He directed the crowd in dragging several boats from the beach to prevent carts of meal getting to the harbour to unload.⁶⁴ This occurred on 8 January but he took an even more prominent part on 19 January when the local magistrates and special constables were reinforced by regular troops and thus managed to begin loading grain. Ruxton and an unidentified woman companion went from Montrose to Brechin because, as he told the Brechin toll-keeper, it was all over with them unless they got 'some hundreds of people from

62. JC26/229, H.M. Advocate v. Guthrie and Simpson, Decls. of Thomas Simpson and Walter Guthrie, 28 March 1783.

63. JC26/313, H.M. Advocate v. Bruce, et al., Decls. of Mary Jackson, 13 November 1801, Robert Young, 14 November 1801, and Thomas Wighton, 3 March 1802.

64. AD14/13/84, Precognition into Montrose Riots, (1813), Decl. of John Nicol, 28 January 1813.

Brechin'.⁶⁵ He told another man he met that 'he wanted down the assistance of the Brechin people to Montrose as the people there had been overpowered'; he also went to the Convenor of Trade for help but was refused.⁶⁶ Although his trip to Brechin was not successful, Ruxton can be identified as an active leader of popular resistance to the shipping of grain from Montrose in January 1813. Certainly the circuit court regarded his rôle as a serious threat and sentenced him to seven years transportation.⁶⁷ Not quite so straightforward was the role of George Murdoch in the arrêt at Newmills in October 1800. Murdoch was a notary public, a messenger-at-arms and the town-clerk of Newmills,⁶⁸ but he also played an active part in the seizure of meal near Galston and its transport back to Newmills. Murdoch spent most of the night in question in a public house in Galston, receiving frequent visitors, including some of those later implicated in the arrêt as well as a couple of mealdealers or carriers and a local farmer.⁶⁹ In the light of what happened later, it seems likely either that Murdoch was trying to negotiate with the later visitors for meal for Newmills or that they were trying to ensure the safety of their own meal. In either case, Murdoch was the focus for the activity of that day. It was to him that one group of men reported their seizure of meal and it was he who directed that it should be taken back to Newmills.⁷⁰ Once the meal had been taken, Murdoch succeeded, partly by persuasion and partly by

65. Ibid., Decl. of William Laing, 30 January 1813.

66. Ibid., Decl. of Thomas Fraser, 24 January 1813.

67. JC11/54, North Circuit Minute Book, li, 21 April 1813.

68. JC26/311, H.M. Advocate v. Murdoch, et al., Decl. of George Murdoch, 7 November 1800.

69. Ibid., Decl. of Stewart Mackie, 12 November 1800.

70. Ibid., Decl. of James Havern, 7 November 1800.

promising to buy drink, in getting the Newmills crowd to leave Galston and return home with the meal.⁷¹ Murdoch was a leader who appears to have directed the Newmills people from the outside, without getting himself involved in direct action. For his part, Murdoch argued that he had simply reacted to the crowd's independent action and prevented further trouble.⁷² He kept sufficiently aloof from the action and argued his non-involvement so successfully that he was the only one of the eight accused to be acquitted.⁷³

About one man there can be no doubt. Angus Cameron was the leader of the Strathhtay anti-militia crowds and James Menzies was his lieutenant.⁷⁴ The militia disturbances in the upper valleys of the Tay began on 30 August and continued until 14 September: Cameron first appeared on 4 September and for the next ten days he was the central figure in the various anti-militia activities in the area. A noted 'Democrat', probably a former Friend of the People and possibly a leading member of the United Scotsmen, he harangued the people on several occasions, rode on horseback at the head of the crowd and directed groups of people to different areas on both sides of the rivers Tummel and Tay. Both at Castle Menzies and at Pitnacree he urged those gathered there to be faithful to the cause and to swear to be true to one another. No witnesses would confirm it but it may be that he used a form of oath used elsewhere by the United Scotsmen. Towards the end of the Strathhtay

71. *Ibid.*, Decl. of Stewart Mackie, 12 November 1890.

72. *Ibid.*, Decl. of George Murdoch, 7 November 1800.

73. JC12/23, South Circuit Minute Book, xxiii, 16 April 1801.

74. See pp.101-102 above.

'rising', Cameron addressed groups at Kenmore and Kinloch Rannoch, urging them to meet the other Strath Tay people at Fortingal where 15 or 16,000 would gather to petition for a reform of the Militia Act. It was only after this attempt at a mass gathering failed that Cameron and Menzies were arrested and dramatically whisked off to Edinburgh.

It is clear that for most of the duration of popular direct action against the operation of the Militia Act in Strath Tay, Angus Cameron led and directed that activity. It appears, however, that he took advantage of popular anti-militia sentiment and, by his leadership, ensured that it continued longer than it would otherwise have done. He coordinated what might have remained localised opposition to the Act in such a way that a large population over a wide area of Strath Tay was apparently in a state of revolt. When short term success seemed to have been achieved through the cowing of the local gentry, popular enthusiasm waned. When Cameron asked for a massive demonstration of opposition to the Act, the people's enthusiasm more or less evaporated. As elsewhere in Scotland the feeling was that the popular anti-militia objectives had been achieved and that the Government would think again. Thus, when Angus Cameron's objectives, which may have included the formation of a revolutionary army, and those of the ordinary Strath Tay people diverged, Cameron found himself without support. His leadership, then, was of a somewhat limited nature.

During the Kildonan disturbances against the clearances there, George MacDonald who was one of those later accused of taking a leading part, said that both the catechist, George MacKay, and the schoolmaster,

George MacLeod, were active in encouraging resistance to the evictions. After approving of the plans for action, however, the catechist did not attend any of the meetings while MacLeod, he said, 'acted more artfully, that he raised the disturbance and then deserted them'.⁷⁵ MacDonald was one of several people involved in the disturbances who took or sustained a leading part and his bitterness against those who acted only behind the scenes was evident. MacLeod the schoolmaster was, or may have seen himself as, an external, manipulative leader while MacDonald, along with others, was an internal, indigenous leader. The evidence indicates that, with a few exceptions, the pattern of leadership in popular disturbances in Scotland followed the latter rather than the former pattern. The leaders of popular disturbances tended to be indigenous, to be the more articulate or militant members of the crowd itself, rather than external, the shadowy, manipulative directors of a crowd's activity. Angus Cameron, James Maxton and George Murdoch were in some ways external to the crowds but they were local, well-known and respected figures willing if necessary to become part of the crowd and to identify themselves with the aims and objectives of the crowds rather than to direct or mould these objectives. When, for instance, Angus Cameron stepped outside his rôle, his support evaporated and he found himself exposed once more to the power of established authority. As far as we can judge, the schoolmaster and the catechist in Kildonan, although local figures, did not lead from within the crowd but from outside it: their rôle was resented. Walter Guthrie, John Bruce and William Ruxton were leaders thrown up by the crowds themselves. They were local, articulate, and more militant and active than the norm;

75. AD14/13/9, Precognition into Kildonan Riots, Decl. of George MacDonald, 19 November 1813.

their rôle was repeated over and over again by more anonymous men and women. The latter were the numerous men and women whose voices we have heard in the pages above describing their experiences and giving their reasons for involvement. Although not easily identifiable from the available evidence, it was they who led the people in popular direct action. In our period in Scotland, Rudé's three categories have no relevance. The typical leader of a disturbance was an indigenous one, thrown up by the crowd itself. He was a person who was a little more articulate or militant than the rest.

There is no evidence in fact that crowds involved in popular direct action required to have their movements directed from minute to minute in any systematic way. William Ruxton's leadership for instance consisted of directing ^{the} ~~and~~ blocking of a road with boats and in going off to Brechin to get assistance for the Montrose people. Ruxton showed the crowd that they could block the road to the shore with boats rather than directed them to do so; they wanted to stop the carts and Ruxton showed how it could be done. The crowd was by no means at Ruxton's beck and call. If anything his rejection at Brechin reinforces this view. In similar vein, George Murdoch did not mastermind the arrêt at Galston, he merely smoothed a few potential rough edges. Once a cartload of meal had been secured, Murdoch had some difficulty in getting the Newmills people to return home. His was not the rôle of 'supremo'. The general conclusion is, therefore, that crowds organised themselves and by and large provided their own leadership where and when required.

5. FORMS OF ACTION

The detailed modes of crowd action have been dealt with at length in the preceding chapters and form a major part of this thesis. At its simplest, the mode of action employed by a crowd was that most likely to achieve its objectives. We have already seen in the chapters above on the meal riots and anti-militia disturbances that crowds adopted different modes of action in different situations. In the case of meal mobs the modes adopted were various while militia riots tended to follow a fairly fixed line of action. Anti-patronage crowds concentrated on excluding the unpopular minister or his representative from the church; anti-clearance crowds ejected shepherds and surveyors from their land; during political disturbances abuse was shouted and missiles thrown at the residences of those in authority; toll-bars were destroyed by those opposed to the operation of the Turnpike Acts; while those who sympathised with those imprisoned by the army took direct steps to rescue them. There were, however, common elements: direct action, usually against property, and the imposition of an elementary 'natural justice' or a 'moral economy'.

The theme of this thesis has been that of popular direct action. All the disturbances discussed or mentioned above have been selected on the basis that some form of direct action by a crowd was involved. For the most part that direct action was directed at property, against ships, courts and churches, rather than against people. George Rudé has concluded that in his researches into twenty major disturbances in Britain, from the Porteous Riot of 1736 to the great Chartist demonstrations in 1848, no more than a dozen people were killed by the crowd

while the courts sentenced 118 to be hanged and troops shot dead an astonishing total of 630 people.⁷⁶ In our period in Scotland the picture is equally one-sided, though the total number of casualties is considerably less. Only one man can be said to have died as a result of crowd activity and he probably had a heart-attack or similar seizure during a meal mob in Inverness.⁷⁷ Mealsellers were attacked by angry crowds but few were badly injured. The schoolmasters were attacked or intimidated during the militia disturbances, as were the deputy-lieutenants and other landed gentry. Ministers and elders on the unpopular side in patronage disputes were the targets for verbal and physical abuse. During the King's Birthday Riot Admiral Duncan and Colonel Dundas were roughed up when they attempted to disperse the crowd in George Square. It was, however, the residences of the Lord Advocate, the Lord Provost and Lady Arniston rather than the individuals themselves on which the crowd vented its resentment and fury. Meal mobs disabled ships and attacked mills rather than killed seamen and millers; militia rioters forced deputy-lieutenants to sign documents agreeing not to execute the act, but they did not try to eliminate them. During anti-toll-bar disturbances it was the bars themselves which were broken up and burnt; the toll-keepers, those indeed who among the ordinary people were making a living out of the tolls, were not seriously molested. Direct action was thus employed to destroy the property if necessary, but rarely to inflict serious personal injury on those who were being opposed.

Turning to the other side of Rudé's unequal equation, the figures are also much lower. At least twelve people were killed at Tranent,⁷⁸

76. George Rudé, Paris and London, p.28.

77. H.O. Corr., RH2/4/70, Bailies of Inverness to Sir Hector Munro, 9 April 1793.

78. K. Logue, 'The Tranent Militia Riot of 1797', Trans. of the East Lothian Antiquarian and Field Naturalists' Society, xiv, (1974), 46.

one man died when the troops opened fire in George Square during the King's Birthday Riot ⁷⁹ and another man was shot by the defenders of Canonmills distillery in June 1784. ⁸⁰ No one was, however, sentenced to be executed for his part in popular disturbances, although a sentence of transportation or even imprisonment might in many cases have proved equally fatal. 'Mobbing and rioting' was a capital offence but the Lord Advocate or his Deputy invariably restricted the punishment he sought to an arbitrary one, i.e. to fine, imprisonment or transportation. The law of Scotland was thus no less harsh in theory than that of England, which very often demanded death for those found guilty of rioting, but in its exercise the Scots law officers appeared to be more humane. Since Rudé's figures cover a different period and are a selected sample, there can be no direct comparison with those above. Nevertheless, the impression is that the lack of blood-thirstiness of the Scottish courts and prosecutions was also in evidence among those involved in disturbances. To a greater extent than in Britain as a whole, crowd violence was in Scotland directed against property rather than against people.

In one of his most important contributions to the study of crowd history and popular disturbances, Edward Thompson has rejected the 'spasmodic' view of popular history and replaced it with an analysis of the 'moral economy' of the English crowd in the eighteenth century. ⁸¹ The spasmodic view is that which sees the common people making only compulsive intrusions onto the historical stage, simply responding to the stimuli of unemployment or hunger or whatever. Against this he

79. H.O. Corr., RH2/4/63, f.135, Robert Dundas to Henry Dundas, 16 June 1792.

80. Caledonian Mercury, 5 June 1784

81. E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century' Past & Present, 1, (1971), 76-136.

argues his own view:

It is possible to detect in almost every eighteenth-century crowd some legitimising notion. By the notion of legitimisation I mean that the men and women in the crowd were informed by the belief that they were defending traditional rights or customs; and, in general that they were supported by the wider consensus of the community. ⁸²

The bulk of the evidence of the preceding chapters supports the idea of a 'moral economy' not only in the crowd protesting about food prices but, by analogy, in many other situations of popular direct action.

During the meal mob at Robert Eason's farm near Errol in Perthshire in 1801, the crowd was very concerned to convince the farmer that his actions were immoral and contrary to justice. ⁸³ The price-fixing disturbances and the forced sales of meal which occurred throughout the period indicated a strong belief that it was legitimate for food to be sold at a certain price so that people could eat but not so to try to sell it to the highest bidder in a period of shortage. The most common type of action by crowds during food riots was the prevention of the export of food from an area or location where prices were either already high or there was a prospect of them rising in the near future. This sort of action is a vivid illustration of the conflict between the 'moral economy' in which the provision of food to the people at a price they can afford is axiomatic and the 'market economy' in which the

82. Ibid., p.78

83. Above, p.47 ; JC26/313, H.M. Advocate v. John Bruce, et al., 23 April 1802.

~~provision of food to the people at a price they can afford is axiomatic,~~
~~and the 'market economy' in which the~~ economic rules of supply and demand dictate price movements without reference to local needs. While large amounts of grain and meal had to be moved around the country in order to feed the increasingly large urban population, those who lived and worked in the exporting areas were not considered. Indeed, as we have seen,⁸⁴ in some places the local population were positively discriminated against by unscrupulous dealers who could see a quick, and possibly large, profit in scarcity. Where, however, the system did not take local people into account, they frequently took matters into their own hands, asserting their adherence to the moral, and not the market, economy.

In other types of disturbance, a similar legitimization was felt by those taking part. There is evidence of this in some industrial and anti-toll-bar disturbances, in the exhumation riot and in the direct action against the Clearances. The resistance of the small tenants of Easter Ross and of Kildonan was a resistance to new ways, and a defence of an older traditional way of life. It was an attempt to defend a society which had developed to the advantage of those who now owned the land but which had outlived its usefulness to them. When the Kildonan men told Major William Clunes that he would still be a gentlemen though he had no land and that taking a sheep-farm would not make him any more of a gentlemen, they illustrated just how puzzled and confused they were about the developments going on around them. They still clung to the old values of a kin-based society in which the clan was the 'focus of all social, economic and cultural activity'.⁸⁵ Their

84. See e.g. p.73.

85. James Hunter, The Making of the Crofting Community (Edinburgh 1976) p.7

moral economy was the moral economy of the clan: they faced and resisted the new market economy of the land owner and the sheep farmer. ⁸⁶

In a similar way the people of the parish of Kincardine in Ross-shire were asserting traditional ways when they forcibly exhumed the coffin of a man they believed to have committed suicide at sea. Tradition has it that the sea will reclaim its own and religious belief or superstition denies the suicide the right of internment in holy ground. The people therefore removed the body from the churchyard and re-buried it below high water mark. Their traditional way of life was under massive attack but this small victory was theirs. The opposition to the erection of toll-bars was also, in some measure, opposition to the disruption of a traditional way of life. The toll-bars represented barriers to the free movements of people and goods, they denied easy access to lanes, paths and hedges which provided useful, and free, grazing. The toll-bar violated the moral economy by demanding payment for doing what people had always done freely, to pay for roads which may have previously been kept up by the local gentry anyway and which now required up-grading for their use, not for the ordinary people's use. During the weavers' strike of 1787 the weavers' case against the manufacturers was that the prices paid for webs, in other words the wages paid to weavers, should not be reduced at the desire of the manufacturers because trade was slack. While the market economy required lower costs, the moral economy required wages to be at least sufficient to maintain the weavers and their families. James Granger, one of the leading weavers in 1787 and a man who was also prominent

86. See Ibid., p.33

in 1812, argued vociferously against reduced prices, saying

that it was unreasonable to require it as the prices of sundry things were increased and the Tradesmen had been put to considerable charges in preparing new implements for carrying on their trade. 87

The period 1780 - 1815 was a watershed between pre-industrial and industrial society. This is reflected in the popular disturbances of the period. Not all involved appeals to a moral economy, some looked forward to a different sort of society. Most of the political disturbances were protests against the established political system and demonstrations of support for a new one offered by Tom Paine. The militia riots were assertions that the people required to be consulted before they would meekly accept compulsory military service. Similarly, ordinary presbyterians who were taught to read their bibles and who thus had their own clear ideas about religious matters often objected strongly to having an unpopular minister thrust upon them.

By and large, however, popular direct action and reforming or revolutionary politics were usually quite separate. In this period only very occasionally, as in the King's Birthday Riot, did reform politics and popular direct action coincide. Even less frequently, during the militia disturbances in general and the Strathtay riots in particular, was there a revolutionary potential in popular disturbances. As we have seen, the King's Birthday Riot ended as suddenly as it had begun and whatever revolutionary content there was in the militia riots was

87. JC26/250, H.M. Advocate v. James Granger, Decl. of James Granger, 15 February 1788.

soon dissipated, even in Strathclyde where a leader tried to maintain the momentum. Fear of revolution in Government and establishment circles was highest during the winter of 1792/3 and 1793/4 when the Friends of the People were active rather than, for instance, the spring of 1796 or the autumn of 1800 when meal mobs were in action over a wide area of Scotland. The extent of the militia riots, taking place over a short period of less than two months, did give rise to fears but these passed as each disturbance was followed by local calm. With this exception, therefore, fear of revolution and of popular direct action did not coincide in our period. In part this is a reflection of the low opinion the rulers of Britain held of the 'lower orders' who were not in their view able to take action on their own account. It is also a reflection of the rather higher, but no less unjustified, opinion they had of the effectiveness of the Friends of the People.

We have argued that most disturbances were spontaneous: we have rejected the concept of the manipulated and mindless mob. It is true, however, that the aims of the people making up a crowd were generally very short term. Thus, once the militia-lists had been destroyed, local opposition to the Act subsided, people believing they had achieved their ends. Violent opposition to the export of meal did not continue for long periods and a successful show of force was often all that took place. The political disturbances in Edinburgh in June 1792 were concentrated around the traditional King's Birthday celebrations and direct action did not continue thereafter as an expression of political opinion except in isolated instances. Toll-bars could be, and were, re-erected quite shortly after violence had reduced their predecessors to ashes.

The spontaneous nature of most popular disturbances and their normally short term aims and objectives do not preclude class consciousness as an element in many examples of popular direct action. Most of those involved in the disturbances described above did not live in the type of society in which class lines were clearly drawn. Class, however, is a relationship and class-consciousness is an awareness of that relationship. It was in times of stress that that relationship became evident. Grizel Chisholm lived in Inverness and in February 1796 she had no meal to feed herself and her children because her husband was away from home. A ship was loading with grain in a nearby harbour. When she and many others in a similar situation tried to go to the ship and get food, they were prevented from doing so by the Provost, Bailies and local Volunteer Company. When the crowd began to stone the Volunteers, she joined in. 'After having been struck several times and bruised by them', the Volunteers took her off to prison.⁸⁸ If she had not previously been aware of being in a subordinate relationship to the local authorities of Inverness, she was now. Her experience must have been shared by very many people in similar circumstances. In discovering that not everyone held the same views about the moral economy people were made aware, sometimes forcibly, that those who held contrary views had the authority to enforce that view against their's. While the Tron Riot was not a popular disturbance as defined in this study, the criminal violence of that night was directed on a class basis. The perpetrators were unemployed youths with little or no means of support beyond criminal activity and the victims were by and large gentlemen with enough money or valuables to make robbery worthwhile.

88. JC26/288, H.M. Advocate v. David Morison, et al., Decl. of Grizel Chisholm, 3 March 1796.

In other less clear-cut situations there was less opportunity to give vent to such sentiments. The action against toll-bars was that of the common people against the local gentry but they tended not to confront one another during disturbances. The anti-clearance disturbances, however, were certainly the actions of an oppressed and weak class against a privileged and powerful one. This was a class-war which continued sporadically throughout most of the nineteenth century and which culminated in the Crofters' War in the 1880's. As early as the first decades of the century men were aware of the nature of the conflict. A poem of the period 1805 - 1810, when Malcolm of Poltalloch cleared eighteen families from Arichanan in Argyll, illustrates this point:

A wicked man is Malcolm
 And I will ever say it
 When the French come
 Across to rout him,
 Who will stand up for Malcolm,
 In the rabble round about him?
 Everyone will be wild
 Desiring to strike him
 And I myself will be there
 Urging on the conflict. 89

This sort of attitude which has a once loyal clansman and tenant prepared to take the part of the French, if the opportunity arose, against his chief and landlord, indicates the extent of the disillusionment progressively felt in the Highland area. It is true that in the incidents of direct action which we have looked at, there was a reluctance among the people to admit that their quarrel was with the

89. The Oban Times, 3 January 1885. I am indebted to James Hunter for bringing this poem to my attention and to Donald Meek for this translation. The poem appears in the transcript of an address to crofter delegates in London by the Rev. Donald MacCullum.

landlord. In 1792 it was the sheep which were driven off the land; in 1813 it was the valuers, surveyors and shepherds against whom the Highland small tenants directed their anger and frustration. Since, however, the landowners who were behind the 'improvements' were usually remote and inaccessible, particularly the Staffords, it was inevitable that popular action should be directed against their agents.

The most explicit examples of class hostility occurred during the militia disturbances. Alexander Dixon, something of an expert on military affairs, wrote to Henry Dundas from Annan in August 1797. Despite his position as a Deputy Lieutenant it was his opinion that the Militia Act had

united the lower against the higher ranks. They [the ordinary people] swear they will rather die to a man than be pressed for Soldiers, or be obliged to pay for a Militia, to defend the properties of the rich.⁹⁰

Peter Farquharson was one of those actively involved during the disturbances in and around Blairgowrie. At one point, however, when he suggested to the crowd that they disperse,

they upbraided him for taking the part of the Gentlemen and said he wished to hold in with them.

It rained very hard later that day and the deputy-lieutenants were forced to stand on horseback in the square getting soaked to the skin,

90. Melville Papers at Ann Arbor, Alexander Dixon to Henry Dundas, 28 August 1797.

while a bond was prepared. When it was suggested that they should be allowed to go indoors the answer from the crowd was - 'let them stand there'.⁹¹ David Corbet, a solicitor, gave evidence in court about the Bathgate opposition to the Militia Act. When he and others were escorted by some of the crowd to Bathgate Muir,

a rabble of women said 'There they go with their pensions and houses and lands; if it were not for those things it would not be so ill with us today'.⁹²

The militia riots brought the gentry and the ordinary population into direct conflict and the scope for expressions of class hostility was thus very wide. Edward Thompson has commented that

class is defined by men as they live their own history, and, in the end, this is its only definition.⁹³

The evidence in the preceding chapters confirms this point.

The gentry of Scotland and their representatives in Government were not, of course, immune from class hostility. Their behaviour in most instances speaks for itself and one of the qualities they admired most in the common people, when they could find it, was 'subordination'. The Sheriff of Ross sought volunteers 'hearty in the cause of good

91. JC26/295, H.M. Advocate v. Peter Farquharson, et al., Decl. of P. Farquharson, 7 October 1797.

92. Herald and Chronicle, 9 October 1797, Evidence of David Corbet at trial of Alexander, et al.

93. E.P. Thompson, The Making of the English Working Class, p.11

Order and Subordination' to help against the sheep rioters of Easter Ross.⁹⁴ Lord Dundonald held the 'manufacturers' (i.e. workers) of Dunfermline and the rest of Fife in fear and loathing because they did not, he felt, give him the honour and deference he was due. Writing to the Lord Advocate he complained,

I do not my Lord heighten the picture of many of this Class of Men, They are Enemies of Subordination. So prevalent is the levelling Spirit that few of the labourers or Tradesmen will diff [sic] their Scots Bonnet or shew any Mark of Respect to those of the Higher Class. A Spirit like this is not soon altered.⁹⁵

It is perhaps a commonplace that society in late eighteenth and early nineteenth-century Scotland was class-ridden but it is well to be reminded of it. Lord Dundonald and many of his social equals felt hatred based on fear of the workers in the emerging industrial society. He and his contemporaries felt threatened by the new ways, in a sense just as the Highlanders felt threatened and those who destroyed the toll-bars felt threatened. The difference, as we know, is that men like Dundonald could call upon military assistance if things got too bad while people like Grizel Chisholm had only their fellows to assist them.

94. H.O. Corr., RH2/4/64, f.271, Donald MacLeod, Sheriff-Depute of Ross to Simon Fraser, Sheriff-Depute of Inverness, 3 August 1792.

95. H.O. Corr., RH2/4/67, f.377v., Lord Dundonald to Robert Dundas, 16 December 1792.

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